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Chairman: Mr. Wolfe .... (Jamaica)

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The meeting was called to order at 3.05 p.m.

Agenda item 66: Promotion and protection of the rights of children (*continued*) (A/62/297 and 319; A/C.3/62/2)

(a) Promotion and protection of the rights of children (*continued*) (A/62/182 and 209; A/62/228)

(b) Follow-up to the outcome of the special session on children (*continued*) (A/62/259)

Dialogue with Mr. Paulo Sérgio Pinheiro (independent expert for the United Nations in-depth study on violence against children)

Continuation and conclusion of general discussion

1. **Mr. Ramadan** (Lebanon) said that in 2007 Lebanon had identified preventing and addressing violence against children as one of Lebanon's national planning priorities. Some of the legal reforms undertaken with regard to violence against children had been comprehensive, while other reforms had focused on specific forms of violence or related sectors, such as juvenile justice. Other efforts included extensive Government and non-governmental organization (NGO)-led awareness-raising campaigns designed to promote non-violent and human rights values. The collection and analysis of data on children had been improved, and access to the legal framework in accordance with international human rights norms and standards relating to children had been enhanced.

2. Lebanon supported the establishment of a special representative of the Secretary-General on violence against children but was unclear about whether violations against children in armed conflicts would come within the purview of that proposed office or that of the Special Representative of the Secretary-General on Children and Armed Conflict. The issue of children in armed conflicts should be expressly included in the mandate of the new office or of another specific unit.

3. Lebanon's educated children were one of the country's main assets. The damage inflicted on the Lebanese educational sector by Israel during its 2006 war against his country amounted to approximately $70 million, and Lebanon's medical services had also suffered. Unexploded ordnance (UXO) represented a major risk to the lives of children in southern Lebanon; at least 124 persons had been killed or wounded in incidents involving unexploded bombs. Lingering psychological effects on children included disturbed sleeping patterns and loss of appetite and confidence. Lebanon looked forward to a day when children in Lebanon, Palestine and Israel could live in peace and security.

4. **Ms. Mwaffisi** (United Republic of Tanzania) said that her country's national development programmes and its poverty reduction strategy addressed children's issues and provided for key outcomes that reflected the Millennium Development Goals which focused on children. Her Government had ratified the Convention on the Rights of the Child and its two Optional Protocols and was currently drawing up a children's act reflecting the country's obligations under those instruments.

5. A national plan of action to combat violence against women and children had been communicated to the bodies concerned for implementation. Strict measures against sexual violence and abuse of women and children were taken under the Sexual Offences Special Provisions Act of 1998. The Act made female genital mutilation a crime, and a specific national plan to combat that practice provided guidance on its eradication. The number of highly vulnerable children, including orphans, street children, child labourers, sexually exploited children, children with disabilities and child victims of trafficking, was estimated at about 2.5 million and was increasing rapidly.

6. The Government assisted communities in taking care of orphans and unprotected children and had formulated an action plan and cost estimate for providing the most vulnerable children with household care, education and health services. The national commission for human rights and good governance ran a desk for women and children, conducted public hearings on violence and abuse and had made effective recommendations to the Government for improving the enjoyment of children's rights. The communities' inadequate awareness of the rights of children and of appropriate remedies for violations of those rights was a challenge. The Government was currently reviewing the child development policy drawn up in 1996 to encourage community, family and child participation in formulating policies systematically to prevent violence against children.

7. Initiatives undertaken by Tanzania in line with "A world fit for children" included activities aimed at promoting health, providing quality education,

combating HIV/AIDS, protecting children from abuse, exploitation and violence, addressing the needs of vulnerable children and ensuring that children and young people participated in developing those activities. Substantial progress had been made in reducing the under-five and infant mortality rates. In Zanzibar, maternal mortality had declined slightly, and the number of births occurring in health facilities and attended by trained health personnel had increased. Significant progress had been achieved towards universal primary education, inter alia through the abolition of school fees. A scheme for complementary education provided basic education opportunities to children not attending school, motivating them to enrol.

8. Remaining challenges included children's deaths from preventable illnesses; the quality of health services, which suffered from insufficient human resources and medical equipment; the lack of access to safe water and sanitation, especially in rural areas; the inadequate quality of education; the high prevalence of HIV/AIDS; and the condition of refugee children. While the Government of Tanzania had the primary responsibility for promoting the rights of children, international cooperation was a necessary supplement to national efforts. Debt cancellation would free resources for the social sectors, including efforts to improve children's well-being.

9. **Ms. Tchitanava** (Georgia) said that Georgia's performance in the area of health care had improved since 2000 but remained low by European standards. Joint efforts by the Government of Georgia and the relevant United Nations agencies were aimed at improving infant and maternal care, preventing HIV/AIDS, reducing the under-five and infant mortality rates, eliminating malnutrition and raising the level of education. The rate of immunization against the most common diseases had attained 80 per cent, exceeding 90 per cent in the case of tuberculosis. The United Nations Children's Fund (UNICEF) and its partner organizations delivered vaccines, surgical supplies, essential drugs, vitamins, cold-chain equipment, water-purification systems and educational material to the conflict zones. Various international bodies provided valuable training and assistance.

10. In 2006, the Georgian Parliament had adopted legislation making domestic violence a criminal offence. A plan for reducing the number of institutionalized children had been approved. The Netherlands and UNICEF had recently signed a three-year cooperation-agreement to assist Georgia in reforming its juvenile justice system in accordance with international instruments.

11. Although the Government of Georgia, in cooperation with international donors, made every effort to support refugee and internally displaced children and children living in the conflict zones, most of those children were out of reach. Georgian children in Abkhazia were deprived of their fundamental right to study in their mother tongue. The radical separatist regime prohibited Georgian as a language of instruction in the Gali region, mostly populated by Georgians. The study of Georgian literature, history, geography and other subjects was restricted. It was regrettable that a United Nations agency working in the conflict area had provided special funding to schools where Georgian children were forced to be educated in the Russian language. In conclusion, she said the valuable work carried out by the United Nations in the conflict zones should be complemented with greater involvement in rehabilitation and reconciliation processes.

12. **Ms. Mladineo** (Croatia) said that, despite such achievements as reduction of the under-five and infant mortality rates and of the total number of deaths from measles, many children still died from vaccine-preventable diseases, had no access to adequate sanitation and did not attend school. Every day, millions of children were tortured, raped, beaten, forced to work and compelled to participate in armed conflicts. In many countries, the Government failed to protect families, which in turn failed to protect their children.

13. Having experienced the horrors of war, Croatia supported international initiatives to combat the recruitment of child soldiers. Much progress had been made with regard to demobilization and reintegration programmes for children, but more resources were needed. Education was the key to the reintegration of the children concerned. Croatia adhered to the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ("Paris Principles"). Under Croatian law, corporal punishment was illegal in schools and childcare institutions. The Croatian Government cooperated with UNICEF on special programmes aimed at protecting children from violence.

14. **Mr. Al-Saif** (Kuwait) said that his country had implemented many programmes for children and had ratified the Convention on the Rights of the Child and its two Optional Protocols, as well as the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182). He shared the independent expert's view that reactive and fragmented efforts, focusing narrowly on symptoms and consequences of violence, would not yield long-term success. In particular, he wondered how such efforts could succeed in Lebanon and Palestine in the face of the large child death toll from Israel's 2006 war on Lebanon, the inhumane separation barrier in Palestine and the detention of Palestinian children for even the most minor offences. All should take heed of the comment made by one of the children met by the Special Representative of the Secretary-General for Children and Armed Conflict, to the effect that the United Nations was all talk and no action.

15. **Ms. Katabarwa** (Uganda) said that in northern Uganda a considerable number of Ugandan children who had been forcibly conscripted by the so-called Lord's Resistance Army (LRA) had been rescued by the Ugandan forces and were being reintegrated into society. Uganda had ratified, inter alia, the Convention on the Rights of the Child and its Optional Protocols and the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment; and had participated in the "Free Children from War" international conference held in Paris in February 2007. Current Ugandan legislation prohibited the recruitment of persons under 18 into the Uganda People's Defence Forces or the local defence units. As a result of the Juba peace talks, the local defence units had been disbanded, and those of their members who qualified had been integrated into the regular army and resettled in their home areas. Children who had escaped from LRA or had been rescued by UPDF had been rehabilitated and re-integrated into society with NGO, civil-society and faith-based community assistance.

16. Rape was a capital offence punishable by death in civilian and military courts. Soldiers found guilty for that crime had been executed. However, some cases were difficult to prosecute as a result of inadequate institutional capacity and cultural inhibitions on the part of victims. In view of the abuse to which children held by LRA were subjected, the International Criminal Court had issued arrest warrants against top LRA commanders. Uganda called on the United Nations and the international community to compel LRA immediately to release children who were still being held more than a year after the Juba peace talks.

17. The Democratic Republic of the Congo and Uganda had signed an agreement to rid their territories of rebel elements that destabilized both States. With the support of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other regional actors, Uganda should be able to re-establish peace and to focus on poverty eradication and development. Post-conflict reconstruction and recovery in northern Uganda, including the Karamajong region, was a priority item in the 2007/08 national budget. It was expected that the resettlement of internally displaced persons would be completed in 2008. The Government planned to support productive activities in northern Uganda by streamlining the implementation of the Northern Uganda peace, recovery and development plan and other concurrent initiatives. Resettlement efforts had been hampered by exceptionally abundant rainfall and floods, which the United Nations and donors had helped Uganda to address.

18. **Ms. Itoua-Apoyolo** (Congo) said that, having ratified the African Common Position on the Convention on the Rights of the Child in 2006, her Government was making concrete efforts to achieve the main goals of the Convention. Legal and institutional frameworks had been created for the national health policy. In education, new curricula were being introduced, including such subjects as sex education and peace studies, to promote children's rights and equity. In the area of social protection, a framework for strategic action was being established to strengthen prevention, care and rehabilitation for orphans and disabled children.

19. With the help of international development agencies, her Government had rebuilt school and health-care facilities that had been destroyed by successive wars. The overall situation of children was therefore improving in the Congo, with better access to health care and higher education rates. The rights and well-being of children were being integrated into the poverty reduction strategy document that was currently being finalized. The Congo's participation in the heavily indebted poor countries (HIPC) initiative would make more resources available for development

programmes that benefited children. In addition, mechanisms such as a children's parliament had been put in place that allowed children to express their views and participate in decision-making.

20. **Ms. Arditi di Castelvetere Manzo** (Observer for the Sovereign Military Order of Malta) said that through its Holy Family Hospital in Bethlehem, the Order of Malta provided for one of the most basic rights of children: to be born in a safe environment. The hospital delivered 60 per cent of all babies born in the district, including many born to mothers who were refugees.

21. While overall progress on the goals of protecting children from the impact of HIV/AIDS had been mixed, the Order was expanding its programmes on prevention of mother-child transmission in Argentina, Mexico, South Africa, Cambodia and other countries. It was estimated that nearly $30 billion would be needed by the end of the decade to respond to the needs of children infected by HIV. She urged Member States and organizations to act swiftly on the Secretary-General's recommendations in that regard.

22. The emphasis on obstetric fistula in the report of the Secretary-General on the girl child (A/62/297) was important because that condition was entirely preventable. In 2007, the Order of Malta had supported the United Nations Population Fund (UNFPA) campaign to end fistula in Darfur, and it hoped to see even greater support for the campaign in the future.

23. To counter persisting gender disparities in education, the Order was opening a secondary school for girls in Rumbek, Sudan. The project included construction of school buildings equipped with modern information technology and long-term support that would enable at least 100 girls to be enrolled each year.

24. To help address the acute vulnerability of children in armed conflict, the Order of Malta assisted people with basic practical needs, psychological help and support as they rebuilt their lives. In Lebanon, it had launched an appeal to provide vital supplies for 7,000 displaced children, including 700 babies born during the conflict. In the Congo, where more than 4 million people had already died in civil war, the Order ensured psychological care for young rape victims, and in the longer term, provided the necessary supplies for them to start their own small businesses.

25. The Order's work with the disabled in Europe and the United States was well known, while its work in developing countries, which had no institutions for the disabled, was most important. At institutions in Ecuador, the lives of hundreds of disabled children were being improved each year.

26. **Ms. Filip** (Observer for the Inter-Parliamentary Union (IPU)) commended the independent expert and his team for their work on the study on violence against children (A/61/299). IPU and UNICEF had produced a concise, targeted handbook that set out the major recommendations of the study and highlighted what parliamentarians could do to prevent and end violence against children. The handbook had been launched at the IPU Assembly held in May 2007, at which a parliamentary panel had focused on violence against children at school. At the national level, the handbook had already been produced in French, Korean and Nepalese and would shortly be released in Arabic, Bahasa and Russian.

27. Members of Parliament in Australia were working with UNICEF on providing legal aid to victims of violence against children. IPU and UNICEF would shortly be briefing the United States Congress, together with members of parliament from around the world, on violence against girls, with a focus on sexual abuse and exploitation.

28. The independent expert had recently told the Third Committee that children were tired of words and no action, and wanted to enjoy their childhood free from violence. IPU was committed to pursuing that end, together with UNICEF and other partners.

29. **Ms. Amin** (Ethiopia) said that her Government was harmonizing national legislation with the Convention on the Rights of the Child. The new Penal Code provided for prison terms of 5 to 20 years for the crimes of child abduction, female circumcision and genital mutilation, rape, trafficking and early marriage. The Family Code had also been revised to change the minimum age for marriage from 15 to 18 years for both girls and boys and to guarantee the right to succession for biological and adopted children alike.

30. The establishment of a social welfare policy and new guidelines was improving the well-being of children in the areas of health care, education and protection services. The national five-year development plan, as well as the unprecedented growth her country had experienced in the previous four years,

would bolster her Government's efforts to overcome challenges and implement its plan of action for the World Summit on Children for the following decade.

31. Work was already under way to strengthen health-care systems and infrastructure. The nutritional status of children had improved significantly over the previous five years, with reductions in the percentages of stunted and underweight children as well as in under-five mortality.

32. In education, per capita spending had more than doubled between 2001/02 and 2004/05. As a result, the enrolment rate had risen and the repetition and dropout rates had fallen.

33. The key to reducing child labour was to eradicate poverty, while social protection would improve children's working environment. Coordinated action on such protection was ensured by national plans of action on orphans and vulnerable children and on sexual abuse and exploitation of children.

34. Despite encouraging results achieved over the previous five years, much remained to be done to fulfil the goals of "A world fit for children" and the Millennium Development Goals. The delivery of standard health services to all was hampered by a lack of skilled staff and an inefficient health referral system, compounded by poor access to and utilization of maternity services. Her Government could not deal with those problems on its own with limited resources. The full cooperation of the international community and enhanced development assistance were paramount if Ethiopia was to maintain the encouraging efforts under way.

35. **Mr. Dorji** (Bhutan) said that the laws had been amended in Bhutan to bridge gaps and harmonize legislation with the principles of the Convention on the Rights of the Child. The draft Constitution provided for the protection of children against all forms of discrimination and exploitation. His Government had also established a National Commission for Women and Children.

36. Free basic education was designated an inalienable right in policy documents and the draft Constitution, and the education sector ranked high in the national budget. Universal primary education would be achieved by 2015. Efforts were being made to address concerns about the quality of education.

37. Health was another priority area in the national budget. Infant mortality rates had declined substantially, and Bhutan was on track to reduce the under-five mortality rate by two thirds by 2015. Parents were receiving education on such issues as nutrition, sanitation and positive childcare practices. Some 90 per cent of the population had access to basic health; the aim was to achieve universal coverage.

38. Together with NGOs, the Government had undertaken training to make teachers aware of the Convention on the Rights of the Child and to propose alternative teaching, learning and disciplining methods. Since 2005, the judiciary had been leading discussions of children's rights at teachers' conferences, a prelude to the formal introduction of the subject into the school curriculum.

39. Globalization and modernization were confronting Bhutan's natural environment, cultural heritage and social fabric with new challenges. Committees made up of representatives from various sectors had been established to address the increasing risks of HIV/AIDS and substance abuse, with a particular focus on adolescents and children. A new parenting education programme helped build awareness of those issues and encouraged more informed parental guidance for children. Law enforcement agencies continued to make procedures more child-friendly, and the police had established a women and child protection unit.

40. Services for disabled people and disabled children in particular, which had previously been seen as a health-care issue, were now being provided by diverse stakeholders and were improving thanks to resources from development partners. A key programme was community-based rehabilitation, in which family and community efforts were coordinated with Government services to care for children with disabilities. Strong family networks in Bhutan provided a safety net for those children and avoided costly and alienating institutional care.

41. Bhutan's progress in promoting and protecting children's rights had been achieved with the help of its many partners. Lack of resources was one of the challenges the country faced, and he hoped that the international community would continue to extend all necessary support.

42. **Mr. Belinga-Eboutou** (Cameroon) said that five years after the twenty-seventh special session of the

General Assembly on children, the situation of children remained precarious in many parts of the world, especially in Africa, owing to causes that included economic and social pressures, natural disasters, armed conflicts and humanitarian crises, exploitation of child labour and disease, hunger and illiteracy.

43. The Convention on the Rights of the Child and other international instruments stipulated that children must be given proper health care, education and protection from violence and must have input into decisions that concerned them. There should be no disparities between children in rich and in poor countries, between boys and girls or between children in urban and rural areas. His delegation appreciated the efforts by the many organizations within the United Nations system that had incorporated the noble goal of children's development into their programmes.

44. His Government had enacted a law against the trafficking of children and continued to work with the ILO and other countries in the region to combat child labour and cross-border trafficking of children. A law combating sexual tourism was also in place.

45. In other spheres, work was under way with the World Health Organization (WHO) and UNICEF to reduce child mortality. Education was free of charge for all children, while incentives were provided to increase enrolment rates for girls among indigenous populations. Since 1996, children's parliaments involving children from varied social backgrounds had been convened, allowing them to engage with members of the Government on issues that concerned them.

46. Despite the strategies adopted, results were less than heartening. A recent evaluation of implementation in Africa had revealed that, although there had been some progress, achievements were not meeting expectations. In order to attain the goals of "A world fit for children", his delegation proposed the appointment of a special representative of the Secretary-General in charge of coordinating action on the promotion of children's well-being and rights.

47. The encyclical Populorum Progressio and the recent Stand Up Against Poverty events had underlined that the way to achieve peace and guarantee children's rights lay in tackling poverty. Commitments, particularly those aimed at poverty reduction, must be fulfilled in concrete form if the international community was ever to create a world fit for children.

48. **Ms. Johnson** (Deputy Executive Director, United Nations Children's Fund) briefly summarized the background to the appointment of the independent expert for the United Nations study on violence against children and the initial and current reports of the independent expert (A/61/299 and A/62/209, respectively). Speaking in her capacity as chairperson of the Inter-Agency Group on Violence against Children, she emphasized that the investment in the study thus far by so many organizations and partners had been significant and that expectations were high for fulfilling its recommendations.

49. She thanked the independent expert for his dedicated role in heightening awareness of the issue of violence against children and for his ability to reach out to partners at all levels, not least children and young people. It was now the responsibility of all the parties involved to work harder in order to change the realities of children's lives throughout the world.

50. **Mr. Pinheiro** (Independent expert for the United Nations study on violence against children), introducing his report contained in document A/62/209, said that the study had generated many initiatives in all regions by Governments, civil society organizations and regional and international organizations. Although he was encouraged by the initial steps that had been taken, much more attention was required to the issues, particularly in such areas as violence in the home and family, schools and care and justice institutions, and it was essential to shift the focus from reaction to prevention.

51. The lack of reliable information in all regions of the world continued to be an obstacle to effective strategies to eradicate violence against children. The 12 overarching recommendations contained in his initial report must continue to guide initiatives to protect children from violence. All countries of the world should implement the recommendations in the study.

52. He reaffirmed his recommendation of the appointment of a special representative of the Secretary-General on violence against children. Only an individual in such a high-level, independent and full-time role would be in a position to call attention to all forms of violence against children and ensure coordination and communication among the various partners mobilized by the study. The time to act had come, and he expressed the hope that in one year's

time significant progress would have been made towards heeding the call by children for a world free from violence. No effort should be spared to ensure the implementation of all the recommendations in the study.

53. **Mr. Arguello** (Argentina) said that his delegation fully supported the independent expert's recommendation calling for the appointment of a special representative on violence against children. The appointee would be in a position to tackle the entire range of relevant issues, from its human rights aspects to its development components. Such an individual would also be ideally placed to increase cooperation, which was currently inadequate, between international and regional agencies involved in combating violence against children and would be able to address such violence in developed and developing countries alike.

54. The independent expert had stated that the time to act had come. Such words had been heard often, and he wished to know whether the situation with respect to violence against children was particularly urgent at the current time. The independent expert had referred to the need to move from reaction to prevention with respect to impunity. He asked what factors contributed to impunity and what were the most urgent measures that should be taken to combat it.

55. **Ms. de Albuquerque** (Portugal), speaking on behalf of the European Union, commended the independent expert for having raised awareness of the global problem of violence against children. According to the report (A/62/209), attitudes had improved at the national level in some countries regarding the importance of taking measures to eliminate and prevent violence against children. She asked for examples of such countries; whether there were any formulas for success or common elements that had facilitated those improved attitudes; and what the United Nations system, and the Third Committee in particular, could do to help eliminate violence against children. Although Governments had the primary responsibility for adopting measures to that end, private entities, civil society and NGOs had major roles to play as well, and she would welcome information about measures that had succeeded in encouraging those other players to take the lead in protecting children.

56. **Mr. Cheok** (Singapore) commended the independent expert for raising awareness of the problem of violence against children. Crimes against children in Singapore were rare, and legal protection for them was robust. His Government disagreed with the implication by the independent expert that corporal punishment in schools somehow represented violence against children. It had always held that the regulated use of corporal punishment was an acceptable mode of discipline, deterred acts of serious misbehaviour, fostered understanding of the consequences of certain actions and encouraged respect for the rights of other children. Corporal punishment was used only in isolated instances when other measures had failed, and safeguards and clear guidelines were in place to ensure that there was no abuse. Moreover, corporal punishment was not prohibited under the Convention on the Rights of the Child, to which his country was a signatory.

57. **Ms. Lowe** (New Zealand) said that her delegation agreed that effective action to end violence against children required strong leadership and coordinated action by the United Nations system. Approval of the independent expert's proposal to appoint a special representative on violence against children could cause overlapping with existing mandates, including those of the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Rapporteur on the sale of children, child prostitution and child pornography. Her delegation requested further clarification of how existing mandates related to children would be managed should agreement be reached to appoint a special representative.

58. **Mr. Rees** (United States of America) extended his Government's appreciation to the independent expert for continuing his path-breaking work on behalf of children. The United States had worked for years, together with other countries, to eliminate the scourge of violence against children, both at home and abroad, and would continue to do so. He cited United States Government statistics demonstrating his country's efforts to combat human trafficking, which often involved young children, and its investment in social programmes benefiting children.

59. His Government would carefully study the proposal to appoint a special representative on violence against children and looked forward to hearing the views of other Member States and concerned institutions on the subject and the independent expert's replies to the questions raised.

60. **Mr. Ramadan** (Lebanon) said that his delegation welcomed the findings and conclusions of the independent expert and endorsed the proposal to appoint a special representative on violence against children. His country was among those that had made the prevention of such violence a national priority and had taken action on the 12 overarching and specific recommendations contained in the study.

61. His delegation strongly believed that the situation of children in armed conflict should be an integral part of the mandate of the proposed special representative. The right to life was the most fundamental human right, and threats to that right were the ultimate form of violence against children.

62. **Mr. Jokinen** (Finland) expressed his delegation's appreciation for the independent expert's tireless efforts in carrying out his mandate. It fully agreed that the participation of civil society, and particularly children themselves, was crucial for implementing the 12 overarching recommendations and the setting-specific recommendations listed in document A/61/299. He wished to know whether the independent expert could provide examples of ways to ensure that children were directly involved in planning and implementing the study's recommendations at the national level.

63. **Mr. Saeed** (Sudan) said that the study by the independent expert was a remarkable achievement. His country was committed to studying the report and its recommendations and to translating them into action.

64. Discussions of the proposal to appoint a special representative on violence against children should take into account the recent outcome in the Human Rights Council and the ongoing debate on the system-wide coherence of the United Nations in the areas of development, humanitarian assistance and the environment. He urged Member States not to rush into taking a decision on the proposal. Furthermore, it was important to ensure that the mandate of the proposed special representative included the situation of children living under foreign occupation. The issue did not belong under the rubric of children and armed conflict.

65. **Ms. Sapag** (Chile) said that her delegation fully endorsed the proposal by the independent expert to appoint a special representative on violence against children and looked forward to discussing the proposed representative's mandate. It had taken note of the fact that certain types of violence against children, including violence in educational settings and violence related to new technologies, were increasing.

66. She wished to know which types of violence against children were on the rise in developed and developing countries alike and required forceful action by the United Nations and the proposed special representative.

67. **Mr. Ashiki** (Japan) said that his delegation welcomed the ongoing study of the independent expert and wished to convey its concern at the fact that violence against children in the family and at school was increasing. The expected role and mandate of the proposed special representative on violence against children were very broad and their priorities were not clear. He wished to know how the proposed special representative would be able to follow up such broad issues.

68. He would also appreciate the independent expert's comments on the possibility that the mandate of the proposed special representative might overlap with the mandates of the Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and United Nations agencies involved in protecting children, including the United Nations Children's Fund and the United Nations Population Fund.

69. The urgent need further to promote the implementation of the independent expert's recommendations could be met by conducting a comprehensive review of relevant programmes and the existing mandates to which he had referred and by ensuring greater coordination among them.

70. **Ms. Khvan** (Russian Federation) requested further information about the Global Campaign for Violence Prevention referred to in the study, including when it had been launched, who were its main organizers and whether it had already yielded results. She would welcome details on the work of UNICEF and the WHO in improving international indicators of violence against children. Her delegation called on all interested parties to consider the issue of the possible establishment of new special procedures in a balanced and careful manner. Analysis of already existing mechanisms to prevent violence against children would help to further understanding of gaps in the activities of the Organization in that area and to define which

issues should be included in the mandate of any new special representative.

71. **Ms. Maierá** (Brazil) said that the appointment of a special representative would be helpful in implementing all the study's recommendations. She would like further elaboration on the need for regional cooperation in tackling violence against children. More details were needed on how a multidisciplinary approach by the international community and Governments to violence against children could be taken and what was necessary to make such an approach a reality.

72. **Ms. Halabi** (Syrian Arab Republic) said that her delegation was working towards the appointment of a special representative on violence against children. Her Government was concerned about the status of children under foreign occupation. Those children deserved the attention of the independent expert, especially as the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict did not cover them.

73. **Mr. Belinga-Eboutou** (Cameroon) said that various aspects of violence were covered by Special Representatives, yet one form of violence, poverty, was not addressed by any of the special mechanisms. Violence was related to levels of development. Therefore, his delegation proposed the establishment of the post of a special representative who would promote development. There was no greater violence than depriving children of food, education, health care and, indeed, their parents.

74. **Ms. Nopakun-Phromyothi** (Thailand) said that her Government had consistently provided support for the work of the independent expert. The recommendations contained in his report would constitute an effective follow-up strategy at all levels. She would appreciate more information on the collaboration between NGOs and children and young persons mentioned in the report.

75. **Ms. Lund** (Norway) said that her Government was a strong supporter of the follow-up to the study on violence. Norway favoured a mandate for a special representative as a high-level independent voice to work for the elimination of all forms of violence against children.

76. **Mr. Abubaker** (Libyan Arab Jamahiriya) said that his delegation supported the establishment of a special representative on violence against children. The mandate of the special representative should include violence against children in armed conflict and under foreign occupation, as those children were subjected to the worst forms of violence. The eradication of poverty should also be a part of the mandate.

77. **Mr. Pinheiro** (Independent expert for the United Nations study on violence against children) said that it was difficult to establish a list of priorities among the 12 overarching recommendations put forward in the study. Nevertheless, a top priority was to ensure the provision of reliable data. The study did not make comparisons between States and regions because there was insufficient data to do so, and the relevant information did not exist to the same degree in all States. The prevention of violence was also a high priority. States must invest in preventive measures rather than use scarce resources to deal with the consequences of violence. Regarding the issue of impunity, it existed for a number of reasons, including the absence of information and the lack of awareness of the problem of violence against children. There was a high degree of acceptance of such violence. There was also a need for more reliable mechanisms for lodging complaints. The shortcomings in the juvenile justice system also helped to create a situation of impunity.

78. Change in attitudes could take place only over time. It was therefore necessary to have consistent and ongoing dialogue on the issue of violence against children. Such dialogue had underpinned the preparation of the study. He referred to the efforts to promote non-violent and human rights values described in the report. Governments had an obligation to create an environment conducive to dialogue. He had witnessed efforts by several Governments to work with local communities to change attitudes about such practices as female genital cutting or forced marriage. Legislation was also instrumental in promoting change. He noted with interest the legislation introduced in Egypt concerning traditional practices.

79. Consensus had been reached at the United Nations that violence against children must be prevented and addressed as a matter of priority. High-level attention to the problem must be maintained. The strong support and participation of United Nations agencies, particularly UNICEF, WHO and ILO, as well as the Office of the United Nations High Commissioner for Human Rights, were crucial for

implementing the recommendations of the study. The involvement of civil society organizations such as End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes and Child Helpline International was also fundamentally important.

80. There was no duplication between his mandate and that of the Special Representative of the Secretary-General for Children and Armed Conflict, because children and armed conflict was an issue which directly affected fewer than 20 countries. He had not taken the issue of children and armed conflict into consideration in the study in order to avoid duplication. The Special Rapporteur on violence against women, its causes and consequences could consider girls but not boys. There was no special mechanism under the Human Rights Council which addressed the issue of violence against children at home, in the schools and at the workplace. The problem was rather one of a gap in existing mechanisms for the protection of children. The main thrust of his mandate was to support effective follow-up to the recommendations of the study. The tasks ahead were very clearly defined, and the recommendations were in keeping with the spirit of reform of the United Nations. He noted that the Human Rights Council was currently undertaking a review of the mandates of the special mechanisms. Any further delays in implementing would therefore render the recommendations contained in the study less effective. He therefore appealed to Member States to act on the recommendations with a sense of urgency.

81. He had considered the specific situation of children and adolescents in occupied territories. The issue was not limited to children in situations of armed conflict. He hoped that the mandate of the proposed special representative would include persons under foreign occupation. *The World Report on Violence against Children* addressed the situation of unaccompanied, refugee and migrant children and highlighted the increasing exposure of children to violence in situations of conflict, crisis and foreign occupation, including the Occupied Palestinian Territory.

82. His mandate fell within the purview of the Committee on the Rights of the Child. In response to the question raised by the representative of Singapore, he referred to that Committee's General Comment No. 8 on the right of the child to protection from corporal punishment. His study was not a report on corporal punishment. He recognized the specific situation of each country and stressed the need for continued dialogue.

83. Child participation in efforts to promote the rights of children was essential. The study was original in that it sought to enable children to assume ownership of the recommendations contained in it. Member States must include children in decision-making processes, including the drafting of legislation. UNICEF had ensured the involvement of children and adolescents at all stages of the consultations held in preparation for the study. Children were citizens with rights; if they were recognized as such, their participation would be facilitated.

84. Concerning the question raised by the representative of Chile, while it was difficult to specify the exact levels and trends regarding violence against children, statistics had shown that child pornography in the electronic media and other crimes were increasing. Little was known about children in judicial institutions or children with mental disabilities, who were possibly the most neglected of all children. No mandate covered mentally and physically disabled children. As others had pointed out, poverty posed another serious risk of violence against children.

The meeting rose at 6 p.m.

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Chairman: Mr. Wolfe .... (Jamaica)

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The meeting was called to order at 10.20 a.m.

Agenda item 67: Indigenous issues

(a) Indigenous issues (A/62/286)

(b) Second International Decade of the World's Indigenous People

1. **Mr. Scholvinck** (Director of the Division for Social Policy and Development, Department of Economic and Social Affairs), speaking on behalf of Mr. Sha Zhukang, Under-Secretary-General for Economic and Social Affairs and Coordinator of the Second International Decade of the World's Indigenous People, said that the General Assembly's adoption of the Declaration on the Rights of Indigenous Peoples on 13 September 2007 had improved the prospects of the more than 370 million indigenous people around the world and was a major achievement of the Second International Decade. It was fundamentally about respect for the human rights of indigenous peoples, including their right to participate in the States while pursuing their own vision of economic, social and cultural well-being.

2. The sixth session of the United Nations Permanent Forum on Indigenous Issues, held in May 2007, had been extremely well attended, with 30 indigenous parliamentarians participating for the first time. It had adopted clear recommendations on the session's special theme: "Territories, lands and natural resources", urging States to review legislation in relation to lands and territories, ensure that the customary land tenure systems and resource management systems of indigenous peoples were recognized and respected and ensure that such laws and policies were consistent with international human rights law. It had reaffirmed indigenous people's central role in decision-making processes concerning their land and resources. With a regional focus on Asia, it had made a number of recommendations on capacity-building, health, education and other issues. It had also considered the issue of urban indigenous peoples and migration.

3. For the period 2006-07, the Trust Fund on Indigenous Issues relating to the Second International Decade had received nearly 100 project proposals from around the world. In 2007, it would be able to support 20 projects, at a cost of some US$ 190,000. He expressed his appreciation to the Governments of Algeria, Canada, Chile, Cyprus, Ecuador, Estonia, Japan, Luxembourg, Mexico and Peru, and to the International Fund for Agricultural Development (IFAD) and the United Nations Children's Fund (UNICEF), for their generous contributions to the Fund.

4. The special theme for the seventh session of UNPFII was "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges". Indigenous peoples were particularly vulnerable to the environmental impacts of climate change and could be valuable partners in global efforts to address that challenge. He was pleased to note that climate change had been the special theme of the annual meeting of the Inter-Agency Support Group on Indigenous Issues (IASG), held in Montreal in September 2007, and that IASG had agreed to prepare a paper on the impact of climate change on indigenous peoples for the seventh session of the UNPFII.

5. The opportunity finally existed to promote and transform into reality the United Nations Declaration on the Rights of Indigenous Peoples. He invited all States, indigenous peoples, civil society, UNPFII and the entire United Nations system to pursue and propel the Declaration's implementation.

6. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), introducing his report (A/62/286), said that he had continued to focus on three areas of work: thematic investigation of issues that had an impact on the situation of human rights and fundamental freedoms of indigenous people; country visits; and urgent appeals concerning alleged violations. In December 2006, he had made an official visit to Kenya, where he had concentrated on the hunter-gatherer and pastoralist communities living in the country's arid and semi-arid areas. The object of historical discrimination and social, political and economic marginalization, those communities had suffered the progressive loss and environmental deterioration of their lands, traditional forests and other natural resources as a result of the different processes of dispossession experienced during the colonial and postcolonial eras. He had also made non-official visits to Cambodia, the Philippines and Nepal and his report included general comments on the rights of indigenous peoples in Asia.

7. His report to the Human Rights Council at its fourth session (A/HRC/4/32) focused on some of the new trends and challenges affecting the rights of indigenous people. Despite new norms, institutions and policies that had strengthened the legal situation of indigenous people, an implementation gap remained. Serious violations of their individual and collective rights persisted. Moreover, the decrease in indigenous territories had intensified as a result of increased exploitation of energy and water resources in the context of economic globalization. For instance, isolated communities living in remote areas of tropical forests were at risk of disappearing. Extractive activities, large commercial plantations and non-sustainable consumption patterns had led to widespread pollution and environmental degradation, dramatically affecting indigenous ways of life that were closely linked to their traditional relationship with the land. The situation of various Arctic peoples suffering the direct consequences of global warming was also cause for concern.

8. All too often, however, social protest by indigenous people was criminalized, generating new human rights violations, such as extrajudicial executions, forced disappearances, torture, arbitrary detention, threats and other forms of harassment. Some Governments had even been using anti-terrorist legislation to suppress protests by indigenous groups defending their ancestral territories. Such cases were documented in his reports to the Human Rights Council.

9. Indigenous migrants were particularly vulnerable to violations of their human rights in agricultural and mining activities, in urban environments and at the international level. Although many Governments had adopted social policies to close the gap between human and social development indicators for indigenous and non-indigenous people, the results were limited. Despite initiatives by governments, international agencies, civil society and indigenous peoples themselves, the low level of implementation of his recommendations was cause for concern. There had been some positive developments, however, such as the recent ratification by Spain and Nepal of the International Labour Organization (ILO) Convention on Indigenous and Tribal Peoples in Independent Countries (No. 169), which other countries, including some members of the European Union, were also considering ratifying. International human rights treaty bodies were also increasingly paying attention to the rights of indigenous peoples, as were regional mechanisms such as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights.

10. The General Assembly's adoption on 13 September 2007 of the United Nations Declaration on the Rights of Indigenous Peoples was testimony to the growing international consensus on the content of the rights of indigenous peoples. The Declaration strengthened the legal force of existing international and regional human rights instruments and was a key tool for their interpretation with regard to indigenous people's rights. It would also help strengthen the framework for governments' responses to indigenous people's longstanding claims for recognition of their rights. Strong political will was required to refocus poverty reduction policies on indigenous peoples' rights. Lastly, article 42 of the Declaration provided renewed legal and political support for his mandate, which had been extended for a further three years to enable his successor to promote the Declaration.

11. **Ms. Pérez-Álvarez** (Cuba) asked the Special Rapporteur to comment on the proposal to establish a Geneva-based mechanism to replace the former Sub-Commission on the Promotion and Protection of Human Rights, in particular its Working Group on Indigenous Populations.

12. **Mr. Gauthier** (Canada) said that Canada was committed to strong mechanisms within the United Nations system for addressing indigenous human rights issues and therefore supported the role of the Special Rapporteur and the extension of his mandate. The current Special Rapporteur enjoyed the respect of indigenous and non-indigenous people alike and his reports and studies had helped raise the profile of indigenous issues. He wondered what advice the Special Rapporteur intended to impart to his successor.

13. **Mr. Pham Hai Anh** (Viet Nam) voiced concern at two points in the Special Rapporteur's report (A/62/286). Firstly, paragraph 47 of the report referred to the "eradication of traditional forms of shifting cultivation", for example in Viet Nam, as a "deliberate State policy of pursuing so-called economic modernization". He wished to point out that, the "slash-and-burn" method practiced by some minority groups in mountainous areas of Viet Nam had

devastating effects on the environment and forests and exacerbated flooding during the rainy system, resulting in untold loss of life. Saving lives could not be classified as "modernization". Secondly, paragraph 55 made the assumption that some minority groups in Viet Nam were being repressed for their involvement in past conflicts. The Hmong people had never been involved in conflict however, while a handful of the Montagnard people that had been involved were currently in exile, where they were pursuing separatist objectives. He also cautioned against the use of the word "Degar" in a United Nations document, as it was being used by separatists to promote secession and the establishment of a state under that name in Vietnamese territory. He was concerned that the Special Rapporteur must have drawn on unreliable sources and urged him to exercise diligence in gathering and reproducing information.

14. **Mr. Sisoulath** (Lao People's Democratic Republic) said that paragraphs 47 and 55 of the Special Rapporteur's report (A/62/286) were both ambiguous and misleading. Over the past 30 years, his Government had made every effort to consolidate national stability and improve the living conditions of its multi-ethnic population. The "shifting cultivation" mentioned in paragraph 47 was being discouraged for environmental reasons and replaced by more permanent forms of livelihood. Ethnic people were resettling voluntarily in "development villages" in lowland areas, with access to roads, schools, health care and other social services. With regard to "infrastructure mega-projects", all countries had the legitimate right to choose their own route to economic development. His Government had in fact taken appropriate measures to mitigate the environmental and social impact of large-scale development projects and to compensate affected communities. The NT2 hydropower project, the country's largest development project, affected 1,240 households and had been launched only following years of studies and public consultations involving all interested parties. To date, 780 households had received resettlement assistance, while the remaining households would be assisted according to schedule. Turning to paragraph 55 of the report, there was no "repression" of any group in his country. On the contrary, his Government attached importance to solidarity, equality and non-discrimination among all ethnicities.

15. Human trafficking occurred in his country as it did in others and illegal emigration had nothing to do with political reasons. Lao nationals were lured abroad with promises of better economic opportunities. His Government was cooperating in international efforts to combat that form of transnational crime and its repatriation and reintegration of victims of trafficking had been praised.

16. **Ms. Mizarela** (Portugal), speaking on behalf of the European Union, welcomed the increased visibility that the Special Rapporteur had brought to indigenous issues, as well as the dialogue that his activities had helped to promote among indigenous peoples, governments and international organizations. The European Union would be interested to know what activities the Special Rapporteur believed his successor should focus on in the near future and how cooperation might be advanced with relevant United Nations bodies, including the Permanent Forum on Indigenous Issues, human rights mechanisms and specialized agencies. Since the situation of indigenous women and girls was a particular focus of his mandate, how might the United Nations promote action by States, civil society and multilateral organizations for the protection and support of indigenous women?

17. **Mr. Heller** (Mexico), referring to the implementation gap with regard to the rights of indigenous peoples, said that it was vital that the Special Rapporteur, pass on recommendations to his successor, whose role had been reinforced by the Declaration on the Rights of Indigenous Peoples.

18. **Ms. Matlhako** (South Africa) asked the Special Rapporteur to comment on the proposal to establish a Geneva-based forum on indigenous issues in the context of the review of the mandates of the former Sub-Commission on the Promotion and Protection of Human Rights, in particular its Working Group on Indigenous Populations.

19. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) said that the Human Rights Council's decision to entrust the Special Rapporteur with promoting the Declaration involved new and specific activities for the Special Rapporteur, the Council and the High Commissioner for Human Rights, opening up the possibility of creating a mechanism to continue the work of the Working Group on Indigenous Populations. He believed that there should be a Geneva-based entity responsible for follow-up to the Declaration and other activities related

to indigenous peoples and that the Special Rapporteur's mandate should be closely coordinated with it so that, rather than duplicating each other's efforts, they would operate as two entities with separate but complementary functions.

20. One recommendation that he would pass on to his successor was that he or she should work closely with groups representing indigenous populations throughout the world. Civil society and non-governmental organizations were important in that respect. The new mechanism, the Special Rapporteur and the New York-based Permanent Forum on Indigenous Issues would need to closely cooperate to ensure compliance with the Declaration and with the various resolutions on indigenous peoples.

21. He thanked the representatives of Viet Nam and the Lao People's Democratic Republic for their clarifications. His report was based on information received from governments, academic institutions and groups representing indigenous populations and he urged both Governments to consider extending an official invitation to the Special Rapporteur to visit their countries in order to examine those issues more closely. He hoped that the adoption of the Declaration would result in more in situ visits, thereby facilitating objective reporting.

22. **Ms. Pérez-Álvarez** (Cuba) said that the landmark adoption of the United Nations Declaration on the Rights of Indigenous Peoples must not be an end in itself but the beginning of a new era in which all countries would work together to achieve recognition of the equality and right to self-determination of the more than 370 million indigenous people in the world. Together with ILO Convention No. 169, the Declaration should serve as a yardstick for the preparation of national guidelines to help meet the five objectives of the Second International Decade of the World's Indigenous People.

23. Taking into account the human rights component of the indigenous issues included in the Declaration, her delegation reaffirmed the role of the Human Rights Council and its subsidiary bodies in the follow-up to that instrument. It eagerly awaited a decision on the appropriate mechanism to continue the work of the Working Group on Indigenous Populations. Lastly, it believed that the Second Decade should not be limited to defining the rights of indigenous peoples or trying to integrate them into development patterns that were alien to their traditions and did not meet their basic needs. Those rights should be exercised freely through mechanisms that guaranteed indigenous peoples' overall well-being.

24. **Mr. Siles** (Bolivia) said that with the landmark adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which contained a set of international norms and principles that recognized the fundamental rights of indigenous peoples, the Declaration had become the new normative and practical framework for guaranteeing and protecting indigenous rights. That essential instrument must be accompanied by an action plan that fostered an alliance among indigenous peoples, governments, international organizations and specialized agencies and academic institutions. Public awareness of the Declaration must also be raised, using all available communication media.

25. A recent meeting held in Bolivia to celebrate the adoption of the Declaration had adopted resolutions that would be submitted to the seventh session of the Permanent Forum on Indigenous Issues, on the theme "Climate change, bio-cultural diversity and livelihoods". Under the leadership of its President, Evo Morales, the Government of Bolivia had taken legal steps to allow vast areas of unused land currently owned by a handful of landowners to be redistributed among indigenous communities. A privileged minority were opposed to that measure and the Government required international support in implementing it. Because they were so dependent on the natural world, indigenous peoples were the most vulnerable to disasters caused by unbridled capitalism, such as global warming. It was therefore essential to promote food sovereignty, by respecting indigenous production patterns, for the benefit of the whole population.

26. It was also necessary to highlight the role of indigenous women and to provide intercultural bilingual education and health care to all. Because indigenous children living in rural and mountainous areas of Bolivia often had to travel long distances to school, the Government was building boarding schools where they could engage in both academic and productive activities during the week.

27. Implementing all the provisions of the Declaration would be a major challenge for Member States, but he was confident that they would take the necessary steps to attain that objective.

28. **Mr. Feng** Zhou (China) said that his Government, which was active in the work of the Permanent Forum on Indigenous Issues, welcomed the adoption of the Declaration. However, it wished to draw the Secretariat's attention to a different Chinese translation of the term "indigenous peoples", which it favoured.

29. **Mr. Lukiyantsev** (Russian Federation) noted that indigenous issues were increasingly prominent on the international agenda. His country participated actively in the Permanent Forum on Indigenous Issues, where it was represented by both government and indigenous representatives. The consensus extension of the Special Rapporteur's mandate was testimony to the importance that the international community attached to his role.

30. While the adoption of the Declaration on the Rights of Indigenous Peoples had been a significant event, the text had not enjoyed a consensus, since the concerns of all States with large indigenous populations had not been accommodated. Thus, the Declaration was not the balanced and authoritative instrument that many Member States had hoped for, even if a provision on the territorial integrity and political unity of sovereign and independent States had been added at the last minute. Although many of the Declaration's provisions were fully acceptable to it, his delegation had abstained in the voting on its adoption. His Government was nevertheless concerned to strengthen international cooperation in promoting the rights and interests of indigenous people, including within its own borders, and was making active efforts to that end in the fields of culture, education and the environment, as well as social and economic development. Accordingly, a national coordinating committee had been established to further the goals and objectives of the Second International Decade of the World's Indigenous People. In 2007, two major international events concerning the protection of the rights of indigenous people had been hosted in the Russian Federation, one in the Yamal-Nenets Autonomous Area on resource extraction in indigenous areas and the other in Khabarovsk, Far East Russia, on environmental problems facing indigenous people. The latter event had also been supported by the Russian Association of Indigenous Peoples of the North (RAIPON) and by the Secretariat of the Permanent Forum on Indigenous Issues.

31. Responsibility for solving the problems of indigenous people did, of course, rest primarily with States. For his Government, the protection of indigenous people's rights and interests was a domestic priority. Efforts continued to be made to strengthen the legislative basis regulating relations between the central authorities and the country's indigenous people. The right of indigenous minorities to their own social, economic and cultural development, and to protection of their environment and traditional way of life and use of natural resources was duly protected, in line with the Declaration. A comprehensive strategy for the economic and social development of the indigenous peoples of the North, Siberia and Far East of the Russian Federation (2009-2015) was being elaborated that would replace the current strategy, which had been due to expire in 2011.

32. His Government accorded special attention to protecting the rights of indigenous people in the context of industrialization. As was well known, the areas in which indigenous people resided had played a significant role in the economic development of the Russian Federation. Efforts were currently under way to regulate relations between indigenous minorities and mining companies, as part of an overall strategy for the sustainable development of such minorities. The issue of compensation was also being addressed at the legislative level. Sadly, however, the problems facing indigenous peoples were still far from being resolved. The promotion and protection of their human rights required continued efforts at the international, regional and national levels and his Government would continue to play an active part in such efforts.

33. **Mr. Skinner-Klée** (Guatemala) welcomed the adoption of the Declaration on the Rights of Indigenous Peoples as a further step towards improving the situation of indigenous peoples, who had spent over two decades working towards it. Although it had not been possible to adopt the Declaration by consensus, the fact that it had been adopted by the vast majority of States demonstrated the international community's desire to redress historic injustices and provide indigenous peoples with an instrument that was consistent with the general principles of international law and human rights and embodied those rights that were essential to preserving their identity and promoting their economic, social, and cultural development while recognizing their right to be different and to be respected as such.

34. The Universal Declaration on Cultural Diversity adopted by the United Nations Educational, Scientific

and Cultural Organization (UNESCO) in 2001 had recognized cultural diversity as the common heritage of humanity. It had been essential to acknowledge the invaluable contributions that indigenous peoples had made to humankind through their knowledge and traditional practices. His delegation hoped to see the Declaration on the Rights of Indigenous Peoples become part of the heritage of the United Nations, ushering in a new culture of inter-ethnic relations.

35. He called on the United Nations agencies, funds and programmes, governments and indigenous peoples to use the Declaration as a guide for improving the lives of indigenous peoples, facilitating their economic, political, social and cultural development and ensuring their full enjoyment of human rights and fundamental freedoms. The Declaration was a step towards achieving a better world; all that remained was to put into practice the principles and rights that it embodied.

36. **Ms. Critchlow** (Guyana) said that Guyana's Constitution guaranteed equality for all citizens and that public policies were geared towards ensuring that each individual was afforded the opportunity to realize his or her full potential. That guarantee of equality pertained to Amerindians as well. In ensuring their well-being and full integration in the mainstream of Guyanese society, policymakers were also mindful of their unique culture and way of life, as well as their right to development in accordance with their own needs and interests.

37. Although attention had been concentrated on a wide array of socio-economic issues affecting indigenous communities, particular success had been achieved in education, health care and land rights issues. Access to quality education had been improved through the construction of additional schools in Amerindian communities, distance education programmes to improve teachers' qualifications without removing them from their communities and the provision of scholarships to Amerindian students. As a result, Amerindians were attaining higher levels of education in Guyana and were also being funded to study abroad. A recent initiative was the teaching of indigenous children in their mother tongue, which facilitated learning and language retention. Access to health care in Amerindian communities had also improved.

38. The Amerindian Act, which recognized the linkage between the spiritual well-being, identity and sustainable livelihood of indigenous peoples, as well as their connection to their lands, had been revised in 2006. As a result, the Government had accelerated action with respect to the demarcation and allocation of land to Amerindians, whose communities were granted perpetual ownership of it. Community leaders were also being taught about Amerindian rights.

39. At the second Latin American Parks Congress, held in Argentina, representatives of indigenous peoples had reaffirmed their commitment to the conservation and sustainable development of lands, territories and resources under their control. The leader of the Wai Wai community of Guyana had reported on the community's plan to ban loggers and miners from their area and to pursue an economic strategy based on ecotourism, research and traditional crafts in order to create employment while preserving their land for future generations.

40. While progress had been made, more needed to be done for the Amerindians in Guyana. Achieving the Millennium Development Goals (MDGs) required parallel efforts by the international community, including the honouring of commitments with regard to the provision of development assistance.

41. **Mr. Lundberg** (Finland), speaking on behalf of the Nordic countries, said that the two major goals of the First International Decade of the World's Indigenous People — finalizing a United Nations declaration on the rights of indigenous peoples and establishing a permanent forum for indigenous issues within the United Nations system — had been accomplished. The work must continue, however.

42. The Permanent Forum on Indigenous Issues had a central role to play in the follow-up activities of the Second International Decade. The possibilities for indigenous peoples to contribute to and have an impact on the outcome of the Millennium Development Goals implementation process and the follow-up to major United Nations conferences also needed to be strengthened. The input and participation of indigenous peoples themselves in the design, implementation and monitoring of MDG policy interventions remained inadequate. Despite their enormous contribution to society, indigenous women still suffered from multiple discrimination, both as women and as indigenous individuals, experiencing extreme poverty, trafficking, illiteracy, non-existent or poor health care and violence in the private and public spheres. Such violence was

exacerbated in cases of armed conflict, where indigenous women became targets of politically motivated violence.

43. **Mr. Heldt** (United States of America) reiterated his Government's strong commitment to promoting indigenous rights at home and abroad. His delegation had had to vote against the Declaration on the Rights of Indigenous Persons, however, because many of its core provisions were either unclear or not capable of implementation. A full statement of his Government's views was available on the Permanent Mission's website. When the Human Rights Council had renewed the Special Rapporteur's mandate in September 2007, it had made it clear that he was to promote the Declaration only where appropriate, meaning that he had no mandate to promote it in States that had voted against its adoption by the General Assembly.

44. **Mr. Riofrío** (Ecuador), noting that Ecuador was culturally and ethnically diverse, said that the Declaration did not create any new rights, but simply reiterated those contained in international human rights treaties, applying them to indigenous peoples. The Declaration was fundamental for advancing the economic, social and cultural development of indigenous peoples, and their achievement of the MDGs.

45. His Government was at the forefront in recognizing the rights of indigenous peoples, including the right to education in their own languages and traditions, and had established a national system of intercultural bilingual education in 1993. Indigenous people participated actively in public life, were represented in Parliament and headed a number of local governments. The clear State policy of inclusion of indigenous peoples had led to the creation of a ministerial level national council for the development of indigenous peoples which, with support from indigenous organizations, was taking practical steps to achieve the goals of the Programme of Action for the Second International Decade.

46. His delegation reiterated its support for the work of the Permanent Forum on Indigenous Issues and welcomed the adoption of the issue of climate change and its consequences for indigenous peoples' survival as the theme of its next session. It welcomed the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/62/286), which expressed concern at the steady decline in indigenous territories, including indigenous peoples' loss of control over their natural resources. Taking development to mean the attainment of a good standard of living for all, in peace and harmony with nature, his delegation welcomed the General Assembly's debate on the devastating and unjust impact of climate change, particularly for indigenous communities. In recognition of indigenous peoples' right to the lands and territories that they inhabited, his Government had decided not to exploit the oil reserves of certain areas where indigenous peoples lived in voluntary isolation.

47. **Ms. Daes** (Greece), noting that the Declaration on the Rights of Indigenous Peoples was the outcome of an arduous 22-year process, said that it had already had a major effect on the morale of indigenous peoples. It established an important standard for their treatment and was a significant tool for the eliminating the injustices, discrimination, marginalization and human rights violations that had been suffered by indigenous peoples for centuries. It was also a milestone from which governments and indigenous peoples would work together to build new equal, democratic, constructive relations and fruitful cooperation.

48. While the right of self-determination set forth in article 3 of the Declaration was of cardinal importance to indigenous peoples, it did not carry with it a right to secession. Instead, respect for the principles of territorial integrity and political unity of sovereign and independent States was provided for expressly in article 46 of the Declaration. Articles 25 and 26 dealing with the question of lands, territories and resources made it clear that indigenous peoples had full rights of ownership and control of their lands and resources without discrimination. Thus, the doctrines of *terra nullius* and dispossession were no longer valid for indigenous lands, territories and resources. The Declaration also recognized expressly that indigenous peoples held many rights as peoples, collectivities, communities or groups; that was an important advance in the international understanding of human rights and the rights of peoples.

49. **Mr. Guillén** (Peru) said that his Government continued to make progress in the promotion and protection of the fundamental rights and freedoms of indigenous peoples. The Congress of the Republic had been organizing a series of forums to permit an open dialogue between indigenous peoples and the State, on such topics as indigenous medicine and environmental

protection, the outcomes of which would underpin the legal structure in favour of indigenous rights.

50. It was evident that the cultural wealth of indigenous peoples was inversely proportional to their income levels. The poverty and inequalities affecting developing countries, such as Peru were exacerbated for indigenous people. In adopting the Declaration, the General Assembly had risen to the challenge of filling a significant gap in the protection and promotion of human rights, namely, the protection of indigenous peoples, who were among the most vulnerable groups. That step was only a beginning, however, and much remained to be done. In that regard, his delegation supported the work of the Permanent Forum on Indigenous Issues and believed that the Programme of Action for the Second International Decade should be the focal point of international action to promote the rights of indigenous peoples.

51. **Mr. Navoti** (Fiji) noted that the Declaration on the Rights of Indigenous Peoples might never have been adopted had Member States insisted on a consensus. One of the main reasons for the failure to reach a consensus had been the appearance in the text of the term "self-determination", which some delegations had feared might be construed as encouraging actions that would impair the territorial integrity of States. While it acknowledged that the principle of self-determination was being used increasingly as a convenient pretext for a new form of reactionary tribalism, his delegation did not feel that that threat was sufficient to justify outright rejection of the Declaration. The concept of self-determination was founded on the premise that peoples themselves were holders of that right, and it could be interpreted in different ways. As used in the Declaration, his delegation interpreted it as meaning the right of ethnic minorities to benefit from certain collective rights, although in Fiji's case, the holders of those rights were indigenous peoples who were not necessarily in the minority. His Government would not accept any interpretation of articles 3 and 4 on self-determination that might lead to or was aimed at the disruption of the national unity or territorial integrity of any country.

52. Another reason for the failure to reach a consensus had been concern over the meaning of "free, prior and informed consent", which could be interpreted as giving indigenous peoples rights that did not apply to others in the population. His delegation interpreted it as an attempt to make restitution for historical inequities, and, as such, had been able to accept it. His Government reaffirmed that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences were racist, scientifically false, legally invalid, morally condemnable and socially unjust. It would interpret the provisions of the Declaration in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

53. **Ms. Abdelhak** (Algeria) said that her delegation had voted in favour of the Declaration, in order to do justice to long-marginalized indigenous peoples by allowing their full integration in their societies. If the Declaration was to contribute to social justice and peace, however, it must not give rise to misinterpretations that might threaten the territorial integrity and political unity of sovereign and independent States or compromise the aspirations of peoples under colonial domination or foreign occupation. The Declaration, in particular its provisions on self-determination, should be read carefully, taking into account the specificities of each region.

54. In Africa, the principle of intangibility of borders adopted in the wake of independence had permitted the creation of nation-States that must be secured and stabilized. In no case should the Declaration be interpreted to allow that important achievement to be called into question on the pretext of promoting tribal or cultural differences. The principle of self-determination was applicable only to Non-Self-Governing Territories. Any policy of fragmentation in Africa would only weaken newly independent States and undermine the African Union. Her delegation read article 46, paragraphs 1 and 2, of the Declaration as allowing States to interpret all the provisions of the Declaration, including those on self-determination, in the context of their own national legislation. Lastly, her Government would continue to support the just cause of indigenous peoples in the framework of both the Declaration and such other mechanisms as the International Decade of the World's Indigenous People.

55. **U Kyaw Tin** (Myanmar) said that the Declaration, although non-binding, would serve as a useful instrument in promoting and protecting the rights of the world's indigenous peoples. Myanmar was a multi-ethnic nation with over 100 national races, all

of which were indigenous. As a result, issues between indigenous and non-indigenous groups did not arise. It was on that understanding that his delegation had joined in endorsing the Declaration, making clear its position that the right of self-determination applied only to peoples under colonial domination seeking to gain national independence. The exercise of self-determination by national races living within a sovereign State was strictly governed by its laws and the Declaration could only be interpreted in accordance with the principles of sovereignty, territorial integrity and national unity.

56. The national races in Myanmar had lived in harmony throughout the ages, until colonialism had created discord, leaving the country to contend with numerous insurgencies after independence. Myanmar's remote border regions, where the large majority of ethnic groups lived, had lagged behind in development because of the protracted insurgencies. The Government had been able to bring peace and stability to those regions, however, and only one ethnic armed group remained outside the legal fold. That painful experience had strengthened the Government's belief in the importance of consolidating national unity. Accordingly, a ministry had been established in 1992 to focus on the implementation of the Border Areas Development Programme. The Government was also helping ethnic farmers to end opium poppy cultivation by providing them with alternate means of livelihood. That strategy had resulted in the establishment of opium-free zones in the Mongla, Eastern and Wa Special Regions, where opium cultivation had ceased in 2005. Steps had also been taken to ensure that national races enjoyed the right to participate in the political process, including the recently concluded National Convention. Lastly, the adoption of the Declaration should not be an end in itself, but must lead to greater national and international efforts to promote and protect the rights of indigenous peoples, especially the fundamental right to economic and social development.

57. **Ms. Pyakurel** (Nepal) said that the implementation of the Declaration on the Rights of Indigenous Peoples would require the international community to provide technical and financial support to developing countries, particularly in devising legislative and institutional measures to be taken at the local level.

58. Her Government attached great importance to the work of the United Nations on indigenous issues and had participated regularly in the Permanent Forum on Indigenous Issues, the working groups of the Office of the High Commissioner for Human Rights and the Human Rights Council. It had also ratified ILO Convention No. 169. Nepal was home to various ethnic groups, including diverse indigenous peoples, and the Government was committed to safeguarding their interests, based on a strong foundation of inclusive democracy, peace, justice and the rule of law, human rights and fundamental freedoms. The Nepalese people had participated overwhelmingly in the April 26 popular movement that had brought an end to armed conflict and ushered in a new era of pluralism and inclusion. The multi-ethnic character of Nepalese society was enshrined in the Interim Constitution and the recently amended Civil Service Act reserved 45 per cent of posts for women, indigenous and ethnic groups, Madhesis, people from remote areas and persons with disabilities. The reservation of posts for women, indigenous groups and Madhesis had recently been extended to the police force. She reiterated her Government's full commitment to protecting and promoting the human rights of all people, including members of ethnic and indigenous groups, and hoped that the international community would lend its technical support and cooperation to those efforts.

59. **Mr. Hermoso** (Philippines) said that the rights of indigenous cultural communities in the Philippines were recognized in the Constitution and reaffirmed in the Indigenous Peoples' Rights Act. His delegation had played a key role as Facilitator for the negotiations on the Declaration on the Rights of Indigenous Peoples at the sixty-first session of the General Assembly and had voted in favour of its recent adoption.

60. His Government had instituted policies and actions to put into practice its commitment to its indigenous citizens, ensuring that indigenous members of society were mainstreamed in the development process. As land was central to the lives of indigenous communities, the Government was working to secure land tenure for them, while implementing a plan for the sustainable development and protection of ancestral domains. It also provided livelihood projects, reinforced by capacity-building programmes. The Department of Health was involved in protecting indigenous peoples' right to health, particularly through the elimination of tuberculosis, malaria and

filariasis. In the area of education, a culture-sensitive core curriculum had been developed for students from indigenous communities. Several important initiatives had been taken to respond to emergency situations facing indigenous communities and to reports of human rights violations against them. With the adoption of the Declaration, his Government expected the international community to exhibit the same dedication that it had shown to its marginalized indigenous peoples. If nations worked together to preserve and protect indigenous peoples, the survival of cultural diversity would be assured.

61. **Mr. Kinyanjui** (Kenya) said that the Constitution of Kenya provided rights to all citizens without discrimination and provided for redress if any person or group felt that their rights had been violated. With regard to land ownership, the Constitution guaranteed the right to protection of property and stipulated that an individual could not be deprived of property except by law. There were several land tenure systems in Kenya. The Government had always identified land as a very important resource and several initiatives had been put in place over the years to harmonize the laws governing land ownership, use and transfer. Colonialism had led to the dispossession and displacement of many communities and, after independence, it had not been possible to resettle all displaced persons despite the land tenure policies put in place. Successive Governments had attempted to correct those historical injustices. Recent initiatives included a National Land Policy, formulated after a wide consultative process, which would encourage a multisectoral approach to land use, provide social and economic support and establish an enabling environment for agriculture and livestock development and exploitation of resources. The policy's guiding principle was to deal with principle rather than personalities or groups of persons. The Government had also initiated programmes for the equitable distribution of resources to all citizens. With the measures currently in place and the continued engagement of all stakeholders, the living standards of all Kenyans should improve.

62. **Mr. Dicko** (Mali) said that his delegation had voted in favour of the Declaration on the Rights of Indigenous Peoples. Drawing attention to article 46, paragraphs 1 and 2, of the Declaration, which upheld the principle of the territorial integrity and political unity of States and stipulated that the exercise of the rights set forth the Declaration was subject only to limitations determined by law and in accordance with international human rights obligations, he noted that the Declaration represented a political and moral ideal to strive towards while strictly respecting the sovereignty and territorial integrity of States.

63. **Mr. Adamou** (Niger) said that his delegation had voted in favour of the Declaration and interpreted article 46, paragraphs 1 and 2, thereof in line with the principles of the African Union.

64. **Mr. Ochoa** (Mexico) said that Mexico had deep multi-ethnic roots and had made considerable progress recently in protecting the rights of its indigenous peoples. The adoption of the Declaration would ensure that indigenous rights received consideration in the Human Rights Council and other United Nations bodies. His Government had increased its support for the Voluntary Fund for Indigenous Populations and urged other delegations to follow suit.

65. **Ms. von Lilien-Waldau** (International Fund for Agricultural Development (IFAD)) said that indigenous peoples were among the poorest and most marginalized people in the world and were disproportionately represented among the rural poor. Over the past 30 years, IFAD had channelled a significant proportion of its loan and grant funds to supporting indigenous and tribal peoples. It welcomed the adoption of the Declaration, which validated the tireless struggle of indigenous peoples worldwide for human rights and equality.

66. IFAD had intensified its focus on indigenous issues. In 2006, it had signed an agreement with the World Bank to transfer the latter's grants facility for indigenous peoples to IFAD. The Indigenous Peoples Assistance Facility supported the aspirations of indigenous and tribal peoples and helped fulfil their development needs through small grants. IFAD was encouraged by the steady progress made by indigenous peoples towards greater recognition of their rights, safeguarding of their heritage and promotion of their unique culture. Climate change would have an enormous impact on their livelihoods, however. Already, many indigenous communities were being forced to adapt their way of life to the changing environment or were being displaced from traditional lands due to coastal and land erosion and rising sea levels. High altitude areas were not only experiencing melting glaciers and ice peaks but also witnessing

negative impacts on their agriculture as a result of climate change and drought. That was yet another battle that the indigenous peoples of the world had not sought but would have to fight. The international development community must act urgently to help indigenous peoples adapt to and mitigate the effects of climate change.

67. **Mr. Dall'oglio** (International Organization for Migration (IOM)) said that indigenous peoples were often thought of as sedentary groups with strong ties to their land. However, a number of factors were bringing to light the importance of migration of indigenous peoples, all too often forced migration or displacement. While lack of economic, health and educational opportunities was the root cause of their migration, the migration process itself reinforced a pattern of marginalization and social exclusion, including vulnerability to trafficking and smuggling, which often continued at their destinations.

68. The 2006 High-level Dialogue on Migration and Development and the 2007 Global Forum on Migration and Development had shown how far the international community had come in recognizing the nexus between migration and development. The sixth session of the Permanent Forum on Indigenous Issues had also highlighted the importance of migration to indigenous peoples and had called for return, compensation and restitution mechanisms for indigenous peoples displaced from their lands. As a member of the Inter-Agency Support Group on Indigenous Issues, IOM had been asked to promote a migration contact group, consisting of various United Nations agencies that dealt with indigenous peoples' migration, to strategize on how to raise the specific issues of indigenous peoples within the development and migration debate. IOM welcomed the adoption of the Declaration, which was the culmination of more than two decades of commitment by stakeholders, and would support its ideals in its work.

The meeting rose at 1.15 p.m.

United Nations

A/C.3/62/SR.20

General Assembly

Sixty-second session

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Third Committee

Summary record of the 20th meeting

Held at Headquarters, New York, on Tuesday, 23 October 2007, at 10 a.m.

Chairman: Mr. Wolfe .... (Jamaica)

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Agenda item 70: Promotion and protection of human rights

(a) Implementation of human rights instruments

(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

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The meeting was called to order at 10.20 a.m.

Agenda item 70: Promotion and protection of human rights (A/62/36, 369 and 464)

(a) Implementation of human rights instruments (A/62/40 (vols. I and II), 44, 48, 180, 189, 221, 224, 273 and 299)

(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

1. **Mr. Mbaidjol** (Office of the High Commissioner for Human Rights), introducing the reports submitted under agenda item 70 (a), said that the annual report of the Human Rights Committee (A/62/40) covered the period 1 August 2006 to 31 July 2007. The annual report of the Committee against Torture (A/62/44) included the reports on that Committee's thirty-fifth and thirty-sixth sessions. The Secretary-General's report on the United Nations Voluntary Fund for Victims of Torture (A/62/189) provided information on the recommendations adopted by the Board of Trustees at its twenty-sixth session, in particular those of the Office of Internal Oversight Services, and the steps taken by the Board and the Secretariat to implement them. The annual report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/62/48) covered the Committee's fifth and sixth sessions. In view of the number of initial reports awaiting consideration, the Committee had requested to hold two sessions in 2008.

2. The report of the chairpersons of the human rights treaty bodies on their nineteenth meeting (A/62/224) provided information on developments in the work of treaty bodies. It included a summary of a meeting between the chairpersons and the President of the Human Rights Council, in which the chairpersons had underlined the complementary and mutually reinforcing nature of the treaty body system and the future universal periodic review mechanism. The chairpersons were also of the opinion that the inter-committee meeting should be convened twice a year.

3. The Secretary-General's report on the protection of migrants (A/62/299) summarized information received from various Governments and referred to the activities of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Secretary-General's report on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/62/180) contained an overview of the financial status and activities of the Fund.

4. **Mr. Guo** Xiaofeng (China) said that China was a party to 21 international human rights instruments and that the Chinese Government attached great importance to their provisions; paid close attention to the submission of compliance reports to the relevant treaty bodies, with which it maintained a regular dialogue; and followed up the concluding comments of the respective committees. Under the principle of "one country, two systems", his Government energetically supported the authorities of the Hong Kong and Macao Special Administrative Regions in their efforts to protect human rights and fulfil their obligations under the relevant conventions, and incorporated the reports prepared by the Governments of those regions into its reports to human rights bodies.

5. While international human rights instruments and human rights treaty bodies had effectively contributed to the promotion and protection of human rights, the complexity and redundancy of the current reporting system were a problem. The Chinese Government took note of the reform proposals of the Secretary-General and the competent United Nations bodies, and appreciated the efforts made with a view to streamlining the functioning of the human rights treaty bodies and enhancing their efficiency. Reform initiatives should, inter alia, aim at ensuring that the requirements for the contents of the reports and their consideration did not go beyond the purview of the relevant treaties. Consensus should be reached through extensive solicitation of opinions and suggestions.

6. **Mr. Mohamad** (Sudan) said that economic, social and cultural rights should be given the same degree of importance as political and civil rights. Cultural rights in particular needed to be strengthened in order to promote tolerance as an antidote to the culture of elitism that sought to wipe out cultural diversity. The results of the fifth and sixth sessions of the Human Rights Council had demonstrated a new spirit and were a welcome relief from the politicization, double standards and contentiousness of its predecessor. His country looked forward to the restructuring of the Council, which would coincide with the sixtieth anniversary of the adoption of the

Universal Declaration of Human Rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) should also operate with neutrality, transparency and greater geographic balance to prevent it from being politicized.

7. The Special Rapporteurs on the situation of human rights in the Sudan had repeatedly been invited to visit the Sudan to observe human rights progress, and the interim report on the situation of human rights in Darfur prepared by the group of experts mandated by the Human Rights Council in its resolution 4/8 had called Sudan's cooperation excellent. No nation could claim to be free of human rights problems, and the way to solve them was through collective effort and continued support for the Council.

8. **Ms. Kurosaki** (Japan) said that, despite significant progress achieved since the adoption of the Universal Declaration of Human Rights in 1948, grave human rights violations continued to take place. Her Government believed that human rights, being universal values, should be furthered in every part of the world. It highly appreciated the role played by the Office of United Nations High Commissioner for Human Rights in that regard and supported the activities of the Human Rights Council.

9. Japan had ratified and was implementing the main human rights instruments. Moreover, every year Japan observed a "human rights week" ending on 10 December, the day of adoption of the Universal Declaration of Human Rights. In 2007, the fifty-ninth human rights week would emphasize respect for the human rights of, among others, women, children, older persons, persons with disabilities, foreigners and persons affected by HIV/AIDS or leprosy; and would address the violation of human rights through abuse of the Internet.

10. Serious problems had been pointed out with regard to the current reporting system under the main human rights treaties. As a result of the excessive reporting burden, States parties tended to delay or even fail to submit their reports, and committees were unable to keep up with the volume of reports. Moreover, as the number of human rights treaties increased, so did the work of treaty bodies, the membership of the committees, the number of sessions they must hold and the financial burden to be shouldered. Government reports should therefore be streamlined. However, the solution of a unified treaty body, which had been proposed by the High Commissioner for Human Rights, presented several problems related to its working methods, use of qualified experts and costs. Japan would continue to participate actively in discussions on treaty body reform in order to ensure that the system functioned more effectively and efficiently.

11. **Ms. Blum** (Colombia) said that the Government of Colombia had recently extended until 2010 the operation of the national office of the United Nations High Commissioner for Human Rights, thus demonstrating its commitment to the protection and promotion of human rights. Under the Democratic Security Policy, the country was taking effective action against illegal guerrilla and self-defence groups, and violence had been reduced throughout the country. The reactivation of the economy and the implementation of social programmes had led to improvements in the observance of economic, social and cultural rights. In the field of political rights, Colombia's democratic tradition was being strengthened despite attempts at intimidation by terrorists. Municipal and departmental elections would be held on 28 October 2007.

12. The State had also taken specific steps to promote and protect human rights, including through training programmes for police forces, prison personnel and civil servants in general. The Office of the High Commissioner had provided support for several of those actions. The President's programme and the Human Rights Observatory, headed by the Vice-President, had served as catalysts for inter-agency activities. Special policies focusing on human rights were being implemented to help vulnerable populations such as indigenous peoples, Afro-Colombians, children, women, youth and displaced persons. Plans of action on human rights were being implemented in conjunction with local development plans. A national plan of action on human rights was being drawn up, and a state plan which included gender mainstreaming was being developed in coordination with civil society.

13. Priority would continue to be given to consolidating democratic security, overcoming extreme poverty, strengthening the administration of justice and eliminating impunity. Special emphasis was being placed on demobilizing illegal armed groups and weakening guerrilla activity, consolidating the rule of law and establishing effective guarantees for democracy and social and economic progress. Colombia needed international support for its efforts to

create an atmosphere of trust, security and well-being in which citizens could exercise their rights.

14. **Mr. Jang** (Republic of Korea) said that the steady growth in the number of treaties and ratifications had overloaded the treaty bodies system. A unified standing treaty body had the potential to help streamline the implementation mechanisms of the various human rights treaty bodies. The discussions on the matter should proceed on a long-term basis in order to allow Member States time to harmonize their divergent points of view. It would be crucial to devise a unified system which maintained the advantage of specificity. The new system must also have the capacity to address complicated legal issues associated with the restructuring of independent human rights treaty bodies into a unified body.

15. The High Commissioner for Human Rights should provide technical assistance to countries that were behind in their reporting duties owing to resource restraints. The concerned countries should remain as open-minded as possible in order to facilitate discussions on the issue. The Human Rights Council was to be commended for having launched the innovative mechanism of the universal periodic review, which would enable it to follow up the work of the treaty bodies, to make States parties more responsible for implementing recommendations and to identify where technical assistance was required. The universal periodic review would also facilitate ratification of human rights instruments and the timely submission of reports to treaty bodies. Noting that an increasing number of human rights issues were being politicized, he stressed the need for the international community to exert its utmost efforts to revive the spirit of the Universal Declaration of Human Rights and the Vienna Declaration.

16. **Mr. Ritter** (Liechtenstein) said that one of the challenges of the universal periodic review would be to coordinate the input of treaty bodies for the compilation of information which would form the basis of the review. Treaty bodies would have to prioritize relevant recommendations to ensure that the main human rights concerns in the country under consideration were appropriately reflected. For such input, close cooperation between the treaty bodies would therefore be essential. Frequent coordination between treaty bodies and special procedures would also be important, not only in preparation for the review but also for its follow-up. Ways and means to manage conflicts and divergences that might arise with regard to the findings of the special procedures and the treaty bodies and the conclusions of the review should also be considered. That could be done only on the basis of a clear distinction between the two systems and the reaffirmation of the independent and legal character of the treaty body review. In order to strengthen that independence, an improved process of nomination and selection of treaty body members should be envisaged.

17. The treaty bodies were to be commended for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas for harmonization. Such issues could be usefully discussed at meetings of States parties. His delegation welcomed in particular those measures which were aimed at addressing the problem of non-reporting and the lack of effective follow-up to concluding observations and to views on individual complaints. Practical measures that did not require any amendments to the relevant human rights treaties were far more important than ambitious but unrealistic attempts to radically reduce the number of treaty bodies. In that context, his delegation welcomed the proposal that the inter-committee meeting should take place twice a year.

18. Liechtenstein had been a long-standing supporter of treaty body reform and had hosted two expert meetings on the issue in the last few years. A clear delineation must be made between the independent expert work of treaty bodies and the intergovernmental universal periodic review.

19. **Ms. Swaraj** (India) said that the establishment of a unified standing treaty body proposed by the United Nations High Commissioner for Human Rights was not a panacea for existing problems. Not only was such a proposal fraught with serious legal challenges, it also ignored the distinct and unique scope and nature of different conventions. The ongoing efforts to change working methods and streamline reporting requirements through revised harmonized guidelines, including guidelines on a common core document and treaty-specific documents, were steps in the right direction.

20. India had participated actively in the efforts of the international community to develop a normative framework for promotion and protection of human rights, including by advocating equal rights for women

well before they had been recognized in most legal systems. It had been the seventh country to ratify the United Nations Convention on the Rights of Persons with Disabilities and had signed the International Convention for the Protection of All Persons from Enforced Disappearance on the first day of its opening for signature. India had also supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Her Government had made every effort to meet its reporting obligations with regard to the Committee on the Elimination of Discrimination against Women, which had considered the second and third combined report of India in January 2007, and the Committee on the Elimination of Racial Discrimination, to which it had reported in February 2007. India had submitted its latest report to the Committee on Economic, Social and Cultural Rights in October 2006.

21. **Mr. Al Bayati** (Iraq) said that the Universal Declaration of Human Rights and other international instruments were essential to international efforts to ensure respect for human rights and freedoms. His Government was working to bring its national legislation into line with international agreements it had signed, which included five of the core United Nations human rights conventions and several International Labour Organization human rights-related conventions. A Ministry of Human Rights and a parliamentary Human Rights Committee had been established, and a draft law to establish a human rights monitoring agency had been prepared. Numerous non-governmental human rights organizations took part in conferences abroad and worked to establish transparency and good governance at home. Iraq's new draft Constitution guaranteed human rights, and in particular the right of women to take part in the political process. The five-year plan contained in the International Compact with Iraq included a number of reforms that would firmly establish democracy and human rights in the new regime.

22. **Mr. Nebie** (Burkina Faso) said that Burkina Faso had signed almost all the most recent international and regional human rights instruments and had established a number of institutions for the promotion of human rights, including the Ministry for the Promotion of Women, the Ministry for the Promotion of Human Rights, the National Human Rights Commission and the National Independent Elections Commission. The establishment of those institutions had been accompanied by policy measures relating to good governance, gender issues and the action to combat poverty, as well as a policy and plan of action for the promotion and protection of human rights, including human rights education. The reform of the court system had significantly contributed to the enjoyment by citizens of their rights. The Government's efforts had been supplemented and reinforced by civil society organizations which were working to raise awareness and carrying out information and training programmes.

23. The main obstacle Burkina Faso had encountered in its efforts to implement the Vienna Declaration and Programme of Action was a lack of resources. His delegation appealed to the international community to offer cooperation and assistance so that human rights would be observed throughout the world. He wished to thank the Office of the United Nations High Commissioner for Human Rights for its help with the organization of a regional colloquium on the rights of the child to be held in Ouagadougou in November 2007.

The meeting rose at 11.40 a.m.

United Nations

A/C.3/62/SR.21

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Third Committee

Summary record of the 21st meeting
Held at Headquarters, New York, on Tuesday, 23 October 2007, at 3 p.m.

Chairman: Mr. Wolfe .... (Jamaica)

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(a) Advancement of women (*continued*)

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(a) Promotion and protection of the rights of children (*continued*)

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(a) Implementation of human rights instruments (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights (*continued*)

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The meeting was called to order at 3.20 p.m.

Agenda item 62: Social development (*continued*)

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

Draft resolution A/C.3/62/L.5: Implementation of the World Programme of Action Concerning Disabled Persons: realizing the Millennium Development Goals for persons with disabilities

1. **Mr. Hermoso** (Philippines) introduced draft resolution A/C.3/62/L.5 and said that Andorra, Azerbaijan, Belarus, Cambodia, Jordan, Panama, the Republic of Korea and Turkey had become sponsors. His delegation was concerned that, despite the international community's efforts to reach the Millennium Development Goals (MDGs) by 2015, the strategies employed for that purpose were not benefiting the most isolated individuals. Persons with disabilities, in particular, were least likely to benefit from conventional development policies. The draft was intended to ensure that persons with disabilities became part, on equal footing, of the global campaign to reach the MDGs. The 1983 World Programme of Action concerning Disabled Persons was particularly relevant at that time, as it provided guidelines on how to analyse and deal with their situation and could therefore assist them in achieving the MDGs. The Programme also called for the mainstreaming of disability issues in all development processes, and called upon Governments and other stakeholders to address the situation of persons with disabilities in the context of the MDGs.

2. **Mr. Khane** (Secretary of the Committee) announced that Cameroon, Guinea, Indonesia, the Libyan Arab Jamahiriya, Mali, Paraguay and Senegal had become sponsors of the draft resolution.

Agenda item 63: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/62/L.14)

Draft resolution A/C.3/62/L.14: Violence against women migrant workers

3. **Ms. Banzon-Abalos** (Philippines), introducing draft resolution A/C.3/62/L.14, co-sponsored by Indonesia, explained that it contained the essential elements of resolution 60/139, adopted by the General Assembly by consensus, but sharpened its focus on the situation of women migrant workers and reflected recent developments in that area, particularly since the consultations in September 2006 at the High-level Dialogue on International Migration and Development.

4. The main objective of the draft resolution was to ensure that legislation and policies relating to migration and labour were human rights-based, gender-sensitive and did not reinforce discrimination and prejudice against women. It also differed from resolution 60/139 in its clearer definition of all stakeholders' shared responsibility to create an environment that protected women migrant workers, stressing the vulnerability of those women, whose rights were not well known, particularly when they found themselves in irregular situations. Further, it called for a stronger emphasis on preventive efforts to address violence against women migrant workers, by improving their access to information on migration and on their basic human rights. The draft resolution also called for training for public officials who came into contact with migrants. The resolution highlighted the importance of cooperation among States and other members of the international community in order to improve the collection and analysis of data and information that would guide policies affecting the rights and situation of women migrant workers. Finally, as migration was usually represented as a gender-neutral phenomenon, the resolution intended to increase gender sensitivity in migration and labour and to recognize that women migrant workers had an active role in development and required special protection. She hoped that the draft resolution would be adopted by consensus.

5. **The Chairman** announced that Ecuador, Ethiopia, Guatemala, Guinea, Kenya, Mali, Paraguay, Senegal and Uganda had become sponsors of the draft resolution.

Draft resolution A/C.3/62/L.15: Intensification of efforts to eliminate all forms of violence against women

6. **Mr. Fieschi** (France), speaking on behalf of his country and of the Netherlands, introduced draft resolution A/C.3/62/L.15 and announced that Croatia, Honduras, Malta, Montenegro and Romania had become sponsors of the draft resolution. As a follow-up to resolution 61/143, which had been adopted on 19 December 2006 by consensus, the draft resolution

was primarily procedural in nature in that it welcomed the Organization's efforts to follow up resolution 61/143 and clarified certain provisions in the resolution. The draft resolution was being negotiated in a constructive manner, and he hoped that it would receive the support of the largest possible number of delegations.

7. **The Chairman** announced that Albania, Brazil, Bulgaria, Burkina Faso, Cameroon, the Dominican Republic, Georgia, Haiti, Lesotho, Liberia, Lithuania, Paraguay, San Marino and Turkey had become sponsors of the draft resolution.

Draft resolution A/C.3/62/L.17: United Nations Development Fund for Women

8. **Ms. Kaljulāte** (Estonia) introduced draft resolution A/C.3/62/L.17 on behalf of its sponsors: Croatia, Estonia, Guatemala, Iceland, Jordan, Kazakhstan, Mexico, New Zealand, Norway, the Republic of Korea, the Sudan, Switzerland and Turkey. The 2004-2007 multi-year funding framework of the United Nations Development Fund for Women (UNIFEM) was ending in 2007 and the review of its application in document A/62/188 showed that the Fund continued to assist all countries in achieving the objectives of gender equality and empowerment of women, as outlined in the MDGs, the Beijing Programme of Action, the Convention on the Elimination of All Forms of Discrimination against Women and Security Council resolution 1325 (2000). The Fund was intensifying its role in the United Nations system and on its behalf. On the basis of that experience, the Fund's strategic plan for 2008-2011 aimed to reinforce its development effectiveness, strengthen its strategic partnerships and mobilize resources for the coming years. The plan's priorities and objectives had been endorsed by the Executive Board of the United Nations Development Programme and of the United Nations Population Fund in September 2007. The plan should enable the Fund to implement its core mandate of assisting countries to achieve gender equality and women's empowerment in line with their national priorities.

9. The draft resolution recalled that it was essential for all relevant United Nations organs to coordinate their action at all levels in order to support countries in advancing gender equality, and that the Fund must provide the required expertise to support United Nations programmes and policies in that area. It also emphasized the importance of the Trust Fund in Support of Actions to Eliminate Violence against Women, established in 1995. She welcomed the fact that the support given to the Fund was reflected in the increase in voluntary contributions in recent years, and hoped that the draft resolution would receive the support of all delegations.

10. **Mr. Khane** (Secretary of the Committee) announced that Belize, Costa Rica, the Dominican Republic, Ecuador, Ethiopia, Honduras, Liberia, Mali, Paraguay, Timor-Leste and Uganda had become sponsors of the draft resolution.

Draft decision A/C.3/62/L.18: Term of office of the members of the Consultative Committee on the United Nations Development Fund for Women

11. **Ms. Kaljulāte** (Estonia) introduced draft decision A/C.3/62/L.18 on behalf of the members of the Consultative Committee of the United Nations Development Fund for Women. The Committee, consisting of members from the five regional groups, worked closely with the Fund with regard to its policies and activities, providing any necessary advice and support. To enhance that interaction and maintain the continuity of its work, it had put forward a draft procedural decision to institute a rotation among its members. According to the decision, the two new members, who would be designated by the President of the General Assembly in accordance with paragraph 13 of the annex to resolution 39/125, would be granted a full term of three years, after the resignation of the members from the Asian Group and the Group of Latin American and Caribbean States, commencing on 1 January 2008 and ending on 31 December 2010, and the remaining three members of the Consultative Committee would continue to serve their three-year terms until 31 December 2009. She hoped that delegations would support the draft decision, which would help to strengthen the relationship between UNIFEM and Member States.

12. **The Chairman** announced that Honduras and Kenya had become sponsors of the draft decision.

Draft resolution A/C.3/62/L.20: Convention on the Elimination of All Forms of Discrimination against Women

13. **Mr. Rasmussen** (Denmark) introduced draft resolution A/C.3/62/L.20, which contained

recommendations made by the Committee on the Elimination of Discrimination against Women. He referred to paragraphs 14 and 15, whereby the Committee would be authorized on a temporary basis to hold three annual sessions of three weeks each, effective from January 2008, and to meet in 2008 and 2009 for up to seven days in parallel working groups during one of its annual sessions, which would enable it to reduce the backlog of States parties' reports awaiting consideration. The programme budget implications of the recommendations contained in the report of the Committee on its thirty-ninth session were set out in document E/2007/L.42.

14. **Mr. Khane** (Secretary of the Committee) announced that Armenia, Botswana, Croatia, the Dominican Republic, Ecuador, Honduras, Paraguay and Romania had become sponsors of the draft resolution.

Agenda item 66: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.22)

Draft resolution A/C.3/62/L.22: World Autism Awareness Day

15. **Ms. Al-Thani** (Qatar) introduced the draft resolution on behalf of its sponsors and expressed her gratitude for their cooperation. Her delegation hoped that the draft resolution would be supported by all delegations and would continue to conduct consultations until a consensus was reached.

16. **Mr. Khane** (Secretary of the Committee) announced that Brazil, Costa Rica, Côte d'Ivoire, Ecuador, Honduras, the Islamic Republic of Iran, Jamaica, Kenya, Liberia, Nicaragua and Uganda had become sponsors of the draft resolution.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36, 369 and 464)

(a) Implementation of human rights instruments (*continued*) (A/62/40, vols. I and II, 44, 48, 180, 189, 221, 224, 273 and 299)

(f) Celebration of the sixtieth anniversary of the Universal Declaration of Human Rights (*continued*)

17. **Mr. Butagira** (Uganda) said that, although the Universal Declaration of Human Rights was not binding in his country it constituted the basis of the Constitution. Therefore, certain rights could not be infringed in Uganda, including the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, the right to freedom from slavery or servitude, the right to a fair trial and the right to habeas corpus. Those rights were enforced by an independent judiciary, including the Constitutional Court, and by the Uganda Human Rights Commission, the Inspector-General of Government and the Parliament. The new constitution currently being drafted sought to establish a democratic system based on the rule of law and Uganda was a party to several international and regional human rights instruments. Therefore, it did not need people who had set themselves up as the world's policemen and used human rights as a political instrument to serve their own interests. The Human Rights Council had been established to prevent such manipulation. Therefore, Member States must support it and combat attempts to bypass it.

18. The Ugandan Government's Justice, Law and Order programme was focused on reform of the criminal and commercial justice system. It sought to improve access to justice and ensure that its effectiveness and quality were maintained to better combat poverty. The Ministry of Justice was responsible in particular for implementing a plan to increase the number of judges in rural areas to facilitate and expedite access to criminal justice. In the commercial justice sector the Government was committed to ensuring an environment conducive to local and foreign investment.

19. The Government was aware of its responsibility for ensuring transparency in public life and was concerned by the negative impact of corruption on economic growth, poverty alleviation and maintenance of the rule of law. It was currently developing and updating anti-corruption legislation.

20. The parliamentary oversight committees continued to play an important role in combating corruption. The Prevention of Corruption Act had been revised to widen the scope of the legislation and strengthen the penalties under it. The revised bill would bring Ugandan legislation into line with the United Nations Convention against Corruption, which Uganda had ratified in September 2004.

21. His delegation called on Member States to strengthen the mechanisms to promote an integrated

and universal approach to human rights and supported the streamlining of human rights reporting procedures to make it easier for Member States to fulfil their reporting obligations.

22. **Ms. Medal** (Nicaragua) explained that her Government, which was a party to the seven major international human rights instruments, had been unable between 1990 and 2006 to meet its obligation to submit periodic reports on the implementation of the rights recognized in those instruments. As it was aware of the importance of promoting those rights and had just been elected to serve on the Human Rights Council until 2010, Nicaragua had submitted reports on the implementation of the human rights instruments a few months previously, some of which were more than 15 years late, including the common core document and 13 periodic reports. It had also signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

23. The Government of Reconciliation and National Unity attached much importance to the protection of human rights in Nicaragua, including the elimination of poverty, the campaign against hunger, access to education, free public health services and employment for all, which were particularly urgent goals. The reports which it had submitted to the treaty bodies had enabled it to fulfil its international obligations in that respect and to assess the human rights situation. Civil society had cooperated with it for that purpose and provided it with invaluable assistance. Through the recently established Inter-agency Committee on Human Rights the Government was systematically checking whether national legislation and international agreements for the protection of human rights were being duly respected. It had benefited from the support of Denmark and technical assistance from the United Nations Development Programme and the Office of the High Commissioner for Human Rights in all those activities.

24. The Government sought to ensure follow-up and implementation of national legislation and international standards relating to human rights by giving particular attention to vulnerable and minority groups through the establishment of the necessary mechanisms. It also supported the efforts made by the treaty bodies to harmonize their working methods and thus increase their efficiency.

25. With the assistance of the international community, Nicaragua was determined to work towards the elimination of poverty, the achievement of sustainable development and the full exercise of fundamental rights in its territory and throughout the world.

26. **The Chairman** said that the Committee had concluded its general discussion of agenda item 70 (a) and (f).

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

27. **Mr. Muburi-Muita** (Kenya) said that his delegation aligned itself with the statement made by the representative of Benin on behalf of the African Group. Development was central to the full enjoyment of human rights, which were universal, indivisible, interdependent and interrelated. While the international community attached great importance to ensuring respect for and preventing the violation of civil and political rights, it tended to relegate respect for economic, social and cultural rights to second place, failing to condemn massive violations thereof even though all those fundamental rights were indissociable.

28. The human rights treaty bodies played an indispensable role in promoting universal respect for and effective implementation of the treaties. They engaged in ongoing dialogue with States, provided them with guidelines and recommendations and issued general comments and concluding observations designed to assist States to comply with the provisions of the various human rights treaties. The reporting obligations incumbent upon States were burdensome, however, and the Office of the United Nations High Commissioner for Human Rights should therefore step up relevant technical assistance and capacity-building activities. Kenya had made tremendous efforts to honour its reporting obligations and had thus managed, in 2007, to submit a combined periodic report to the Committee on the Elimination of Discrimination against Women, an initial report to the Committee on Economic, Social and Cultural Rights and the report required pursuant to the Convention on the Rights of the Child.

29. Kenya had made substantial progress in its efforts to incorporate the provisions of various human rights instruments, including the Convention on the Rights of

the Child and the Convention on the Elimination of All Forms of Discrimination against Women, into its domestic legislation. It had also established a task force on the implementation of international humanitarian law and had undertaken to draft a national human rights policy and a plan of action for the promotion and protection of those rights. To that end, a number of measures had been taken over the past four years, including the establishment of the Kenya National Commission on Human Rights, an inter-ministerial committee responsible for advising the Government on its international human rights obligations and a multisectoral steering committee to coordinate the development of the national human rights policy and plan of action. Within the framework of the New Partnership for Africa's Development (NEPAD), Kenya had undergone the African Peer Review Mechanism process. It had also initiated reforms of its criminal justice system with a view to improving access to justice and enhancing equity, particularly for the poor people, enacted human rights legislation, including the National Gender Commission Act, and launched a programme on governance, justice and law and order.

30. Nevertheless, Kenya still faced a number of challenges: its institutions were weak, although substantial reforms were under way. Citizens were not informed about their fundamental rights, and the Government was seeking to solve that problem with the support of civil society and NGOs. Poverty significantly hindered the enjoyment of fundamental rights — although there had been a slight decrease in the number of Kenyans living below the poverty line — and meant that the basic needs of poor people remained unmet as far as food, housing, education and access to medical facilities and the justice system were concerned. Lastly, constitutional and legislative reform, which had not been an easy process, had begun. In that context, a number of progressive human rights provisions relating to gender equality, citizenship and economic and social rights had met with consensus, and the Law Reform Commission had been revamped so that it could recommend new laws promoting the effective enjoyment of human rights or amend or repeal existing laws.

31. Guided by the principle that all men and women were born equal and acting for the benefit of its population, Kenya was fully committed to meeting its obligations under the international human rights instruments.

32. **Mr. Vohidov** (Uzbekistan) said that, since becoming independent, Uzbekistan had become an active member of the international community. It had ratified more than 60 international human rights treaties and prepared 18 reports on their implementation, and was currently developing or implementing national action plans designed to follow up the recommendations of the treaty bodies. In addition, Uzbekistan had taken all the necessary measures to honour its international commitments to protect human rights by creating the position of Ombudsman and establishing the National Human Rights Centre and the Institute for the Monitoring of Domestic Legislation and its Implementation.

33. Uzbekistan had created the position of Ombudsman in 1997, and had been the first member of the Commonwealth of Independent States to do so. In accordance with the law creating that position, the Ombudsman made it possible for individuals whose rights had been violated to obtain compensation, recommended measures to improve the protection of human rights and provided legal information to the public. The Ombudsman made a real contribution to the protection of human rights in Uzbekistan and submitted annual reports to Parliament which were published and widely distributed.

34. The National Human Rights Centre drafted and submitted Uzbekistan's periodic reports on the implementation of the six main human rights treaties to which the State was a party and, in that capacity, fully complied with the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights. It was also responsible for providing information on human rights and ensuring the provision of education and training in that area.

35. The Institute for the Monitoring of Domestic Legislation and its Implementation determined whether domestic legislation was in line with the provisions of the international instruments to which Uzbekistan was a party, whether national mechanisms for the protection of human rights were working properly and whether and why violations of those rights had occurred.

36. NGOs also played an important role in the protection of human rights in Uzbekistan. Associations of lawyers and judges, the Centre for the Study of

Human Rights and Humanitarian Law and many other organizations helped to protect citizens' rights and translated Government policies designed to create a strong civil society into concrete action.

37. There was extremely fruitful cooperation between the national bodies responsible for protecting human rights and the public bodies responsible for implementing and enforcing the law. For instance, in 2004, the Ombudsman, who was empowered to investigate the most serious human rights violations, the Attorney-General and the Ministry of the Interior had concluded mutual assistance agreements with a view to resolving a number of issues relating to the enjoyment of human rights. Similarly, in 2003, the Ministry of the Interior and the Bar Association had signed a protocol on criminal matters intended to safeguard every detainee's right to a defence, regardless of the length of detention.

38. Moreover, a human rights training scheme had been set up within the relevant public services. Senior officials from the Ministry of the Interior and staff from the Attorney-General's Office and the Ministry of Justice, in particular, participated in relevant training and refresher courses. Over 100 regional and international legal texts, including the seven main international human rights treaties, had been translated into Uzbek and published.

39. Uzbekistan stood ready to honour its international commitments in the area of human rights, to pursue the reforms it had undertaken in that area and to cooperate fully and transparently with the treaty and Charter bodies of the United Nations.

40. **Ms. Abdelhak** (Algeria) said that paragraph 8 of the Vienna Declaration adopted at the Vienna Conference in 1993 continued to be interpreted in a selective and restrictive manner and the focus continued to be on the political dimension of human rights to the detriment of the economic and social dimension. In her view, efforts to mainstream a human rights perspective into all United Nations activities should be encouraged but should be part of a viable and constructive strategy designed to foster wider acceptance and more effective promotion of economic, social and cultural rights.

41. Recognizing that human rights were universal certainly did not mean that there was only one social or political model. It was clear from the Vienna Declaration that such universality was meaningful only when taken together with the recognition of cultural, historical and geographical particularities and when it was based on the principles of international law that formed the legal and political foundation of the United Nations and the system of international relations, namely the principles of the sovereign equality of States, non-interference in the internal affairs of States and respect for democratically chosen political, economic and social systems. Indeed, the desire of States to create a forum for dialogue and cooperation that was immune to the selective and politicized processes that had characterized the Commission on Human Rights had led to the establishment of the Human Rights Council. In order to improve the human rights practices of States, their level of development and differing situations must be taken into account and their individual characteristics respected. In order to build on the progress made at the Vienna Conference, it was important and useful to conduct a rigorous and objective evaluation of the implementation of the Vienna Declaration and Programme of Action within the framework of the Human Rights Council.

42. Algeria attached great importance to human rights and, in order to strengthen the relevant legal framework and ensure that those rights were protected more effectively, had made justice sector reform a priority. Accordingly, the Codes of Criminal and Civil Procedure, the legal aid regime and the functioning of the prison system had been completely overhauled. The Family Code and the Nationality Code had also been significantly amended.

43. As a party to the principal international human rights instruments, including the two optional protocols to the Convention on the Rights of the Child, which it had ratified in 2006, Algeria fulfilled its treaty obligations. It reported regularly, within the prescribed time limits, to the relevant committees and intended to further its cooperation and dialogue with the latter and with the non-treaty human rights bodies of the United Nations. It would also continue to cooperate with international human rights NGOs.

44. The current transition to democracy had allowed for the establishment of elected pluralist institutions. At all levels, individuals directly elected by the people were now in charge of national affairs. Algeria had made a definitive choice to abide by the principles of rotating leadership and free and fair elections by enshrining them in its basic legislation. Dozens of political parties were active in Algerian politics, some

of which were represented in the National Assembly. Civil society was flourishing and the press was particularly dynamic, diverse and free. Algeria was committed to seeing the process of democratization through to its conclusion, and had given priority to ensuring the enjoyment of economic, social and cultural rights.

45. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 70 (d).

The meeting rose at 4.50 p.m.

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Chairman: Mr. Wolfe .... (Jamaica)

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The meeting was called to order at 10.20 a.m.

Agenda item 70: Promotion and protection of human rights (A/62/36, 369 and 464)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286, 287, 288, 289, 293, 298, 304, 317; and A/C.3/62/3)

(c) **Human rights situation and reports of special rapporteurs and representatives** (A/62/213, 223, 263, 264, 275, 313, 318, 354 and 498)

(e) **Convention on the Rights of Persons with Disabilities** (A/62/230)

1. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the Human Rights Council had made considerable strides in its first year, focusing mainly on institution-building in order to equip itself with the procedures and mechanisms that it needed to fulfil its mandate. The Office of the High Commissioner for Human Rights (OHCHR) had assisted the Council with that process. Its most innovative feature was the universal periodic review (UPR), a mechanism through which the Council would progressively review the human rights record of all Member States on the criteria of fairness and transparency. The Council had reached an agreement on the review framework and had responded positively to requests for a broadening of the sources of information upon which the review would be based. The inclusion of a wide range of interlocutors was indispensable to ensuring reliable review outcomes. OHCHR would also assist in the review by compiling information from United Nations agencies and other relevant stakeholders. Implementing the UPR recommendations, fundamentally the responsibility of each State, was a challenge that would require a significant commitment of good will, resources and active cooperation. However, dedicated financial support was crucial in helping many developed countries meet their UPR requirements. The credibility of the United Nations human rights system hinged to a great extent upon satisfactory implementation of the universal periodic review.

2. The Council had held special sessions in reaction to the situations in the Middle East, the Sudan (Darfur) and Myanmar. OHCHR had actively supported efforts to implement the resolutions adopted during the Council's special sessions, regular sessions and day-to-day operations. To that end, the Office's Rapid Reaction Unit had provided assistance in the planning, design and work of the High-Level Fact-Finding Mission to Beit Hanoun and of the United Nations Expert Group on Darfur. Crucially, the Council had reaffirmed the importance of the independence of mandate holders, and had decided to convene a group composed of seven mandate holders to ensure the effective follow-up to existing resolutions and recommendations on Darfur. It had also established a new mandate on contemporary forms of slavery. She had encouraged the Council to use its review of the special procedures mandates to identify and close protection gaps and to urge States to increase cooperation with special procedures.

3. The Human Rights Council had filled serious normative gaps by adopting new human rights instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities. The Office would also support the new Committee on the Rights of Persons with Disabilities and also commended the Council's adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Council was henceforth expected to devote its undivided attention to the many human rights situations that demanded attention. In that regard she stressed that the frequency of its meetings would further facilitate that work and put human rights abusers on notice that situations of concern were under ongoing scrutiny.

4. Initiatives stemming from the Office's 2005 Plan of Action and 2006-2007 Strategic Management Plan included its Rapid Reaction Unit, the most recent innovation in its country engagement, as well as the 2007 opening of a country office in Bolivia and a regional office for Central America. The OHCHR Togo office had been very active in combating impunity and had gained the trust of national and international interlocutors and partners. Further, progress had been made in the establishment of regional offices for West Africa in Senegal and for Central Asia in Kyrgyzstan, and she hoped that both offices would be operational by the end of 2007. Since last addressing the Committee, she had conducted several country visits, which were a means of strengthening country engagement. Human rights mainstreaming within the

United Nations was also on the Office's agenda. Human rights advisers had been deployed to a number of countries in 2007, at the request of resident coordinators and United Nations country teams. Further, OHCHR had contributed policy directives to the Department of Peacekeeping Operations in support of the human rights components of 17 peace missions.

5. The struggle against racism, racial discrimination, xenophobia and related intolerance were central to the Office's work, as was the effective implementation of the Durban Declaration and Programme of Action. OHCHR continued to support the mechanisms established in the follow-up to the World Conference against Racism. At the Non-Aligned Movement Ministerial Meeting on Human Rights and Cultural Diversity in the Islamic Republic of Iran, she had pointed out that failure to understand or accommodate diversity inevitably led to an erosion of rights. Universal human rights norms and standards could best provide guidance for managing and protecting diversity. Discrimination resulting from the exploitation of cultural identities in order to marginalize certain groups was often intertwined with poverty, which, in turn, led to and resulted from the deprivation of civil and political rights. With this in mind, she had made poverty and human rights the theme for Human Rights Day in 2006.

6. Given the impact of economic policies on human rights, human rights should be taken into account in macroeconomic policymaking processes. Thus, OHCHR continued to strengthen its capacity in the areas of the right to development, the Millennium Development Goals and economic, social and cultural rights more broadly. The Office promoted the inclusion of a human rights approach into poverty reduction, development strategies and corporate social responsibility practices. OHCHR had also been working with several Governments to bring to justice the perpetrators of gross violations of human rights and humanitarian law, which remained pervasive. States had a duty to investigate reports of such violations. Through its presence in the field, the Office was working with several Governments to encourage proper accountability.

7. She had embarked on initiatives to address the issue of the high number of individuals incarcerated without adequate judicial review of their detention. Further, OHCHR had established a Women's Human Rights and Gender Unit to ensure that a gender perspective was reflected in all its programmes and in the programming of all United Nations entities and of the human rights machinery as a whole. Lastly, the Office was committed to deepening and rationalizing its rule of law work. It had developed 10 rule of law tools for conflict and post-conflict States to assist policymakers, United Nations actors and civil society groups in tackling difficult issues arising from deadly conflict.

8. **Mr. Salgueiro** (Portugal) reaffirmed his delegation's strong support for OHCHR and welcomed the fact that the Human Rights Council had begun the process of review, rationalization and improvement of mandates. He wondered what role human rights advisers deployed in country teams had in the mainstreaming of United Nations human rights work at the country level and also requested an update on Ms. Arbour's country visits since her report had been issued, as well as on plans for future missions.

9. **Mr. Lukiyantsev** (Russian Federation) asked how Ms. Arbour viewed the division of labour between the Human Rights Council and the Third Committee and how duplication of effort might be avoided. He also wondered what further steps OHCHR intended to take on the issue of reform of treaty bodies and enquired how the long-standing issue of the geographic imbalance in recruitment for work in OHCHR would be addressed.

10. **Mr. Makanga** (Gabon) expressed his concern about the Subregional Centre for Human Rights and Democracy in Central Africa and wondered what had been done to implement General Assembly resolution 61/158, which called upon the Secretary-General and OHCHR to provide additional funds and human resources to the Centre.

11. **Mr. Saeed** (Sudan) inquired about the underrepresentation of certain regional groups in OHCHR, in light of the adoption the previous year of General Assembly and Third Committee resolutions that addressed the issue. He also requested an update on her efforts to place economic, social and cultural rights on an equal footing with civil and political rights, which already had detailed mechanisms and mandates, unlike the former category.

12. **Mr. Vigny** (Switzerland) said that his delegation had welcomed Ms. Arbour's visit to Sri Lanka at the previous session of the Human Rights Council session

and inquired whether it would be possible for her to share her conclusions on the visit with the Committee.

13. **Mr. Vandeville** (France) said that his delegation endorsed Portugal's question to Ms. Arbour and provided additional information on the existing legal vacuum in certain areas of international law. The International Convention for the Protection of All Persons from Enforced Disappearance, which had opened for signature in February 2007, to date had 71 signatures. He issued an appeal for immediate ratification and subsequent establishment of a committee on enforced disappearance, an essential tool in protecting human rights.

14. **Ms. Zhang** Dan (China) said that the imbalance in geographical distribution among OHCHR staff remained unresolved and called for increased representation of developing countries and different regions. It was hoped that OHCHR would exercise objectivity and fairness in compiling information for the universal periodic review. Further, as OHCHR had increased its activities in various fields, she called for OHCHR to brief Member States regularly on its use of financial resources and progress made. Also, the Human Rights Council should give greater policy guidance to the Office's operational work. Lastly, OHCHR should give equal importance to civil and political rights and to economic, social and cultural rights.

15. **Mr. Bollavaram** (India) wondered what efforts were being made to improve working methods and asked for more information on the proposed unified treaty body system. With regard to the division of labour between the Third Committee and the Human Rights Council, he noted that the Committee was a universal body in which all Member States were members, whereas the Council was an elected body and a subsidiary of the General Assembly. He asked how OHCHR viewed that issue from a long-term perspective. Member States were concerned about the duplication of reports from Special Rapporteurs and the Third Committee.

16. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the mainstreaming of human rights at the country level was a form of country engagement that had been welcomed as very effective by countries to which a human rights adviser had been deployed, and also by United Nations country teams and resident coordinators. The concept of mainstreaming had been promoted at the request of resident coordinators and United Nations country teams, usually in countries with country cooperation framework (CCF) and United Nations Development Assistance Framework (UNDAF) plans in place. There was also a particular interest in the pilot countries that had volunteered under the "One UN" strategy to ensure that the Office's work was a coherent effort to integrate human rights into the work of United Nations country teams. The work was geared to supporting countries in their reporting obligations to treaty monitoring bodies and to providing training on the ground in situations where technical cooperation was difficult to deliver from a distance.

17. There were different types of country visits, and all were conducted at the invitation of the Government. Some were carried out to attend a particular event, and others were more comprehensive, allowing for a detailed and substantive dialogue with Governments, civil society actors and United Nations colleagues. Over the previous year, she had visited four Central Asian countries, Nepal, Japan, Indonesia, Colombia, the Democratic Republic of the Congo, Burundi, Rwanda and Sri Lanka. During her recent visit to Sri Lanka, the Government had facilitated her free contact with political parties, civil society and Government officials. Sri Lanka faced challenges relating to gender, minority rights and social and economic rights. However, the most urgent challenges arose from the armed conflict, and the problem of abductions, disappearances and extrajudicial killings was already well-documented. The Office was most concerned about the current lack of credible information on those issues. Despite the efforts of various mechanisms, such as the Sri Lankan Human Rights Commission, there was a sense of uncertainty about the true scope of the phenomenon of disappearances and extrajudicial killings.

18. The Sri Lankan Government had expressed a desire for increased technical cooperation with the Office, but she had been skeptical about whether such cooperation would suffice. The best contribution that OHCHR could make to the promotion and protection of human rights in Sri Lanka, a sophisticated country with a high literacy rate and considerable capacity, would be through a presence on the ground. OHCHR could provide technical assistance and fill the gap with regard to credible information, observing and reporting on human rights violations. With regard to the division

of labour between the Human Rights Council and the Third Committee, the issue of their interplay was quintessentially an issue for Member States to decide. The question of whether the Council would become a main organ of the United Nations had been left open when it had been created and would be addressed in four years' time.

19. On the question of treaty body reform, she said that unfolding events demonstrated the urgency to review the complex human rights machinery. The entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities and its Optional Protocol had greatly increased treaty body work. The universal periodic review (UPR) would most probably lead to more ratifications and timely reporting by countries, thereby further increasing the workload. Although OHCHR could provide expertise, it was a matter for Member States themselves to envisage seriously what form the United Nations human rights treaty system would take in the future.

20. With regard to the geographical composition of OHCHR, she stressed that it was a matter of principle for the Office to be a model of cultural diversity. Being part of the United Nations Secretariat, its recruitment procedures were bound by the rules established by the Member States themselves. However, the Office had deviated from those rules when it had considered that they would affect its geographical balance. It had successfully increased its pool of applicants from outside the United Nations and applied a more rigorous selection process by means of the Galaxy system. An international human rights competition would be held in 2008, and participation would be limited to underrepresented countries. There was a definite trend, albeit slight, of an increase in professional staff from States outside the Western European and Other Groups.

21. With regard to the Subregional Centre for Human Rights and Democracy in Central Africa resources were deployed from the regular budget, and every effort had been made to provide appropriate staffing. She was confident that everything was now in place and that the Centre was operating very actively in the region. On the question of the Office's commitment to social and economic rights, she stressed that all rights should be equally advanced. The Human Rights Council had very strong mandates on issues relating to social and economic rights, such as health and housing, and the special procedures were implemented very actively in the field. Lastly, concerning its interactions with Member States, OHCHR conducted many informal briefings between major meetings in Geneva, and she felt that it would be advisable to have a similar system in New York.

22. **Ms. Sutikno** (Indonesia) thanked the High Commissioner for her visit to Indonesia and said that her meetings with representatives of the Government and civil society had contributed towards a positive dialogue. With respect to the deployment of human rights advisers to Indonesia, her delegation stressed that they should be transparent in their work and wondered if an update on meetings between the High Commissioner and those advisers might be possible. It also wished to see a better geographical distribution among staff members in the Office.

23. **Mr. Babadoudou** (Benin) said that it was important to avoid an overlapping of tasks between OHCHR and the new Human Rights Council. He asked for the High Commissioner's reaction to Benin's proposal, submitted on behalf of the Group of African States, to celebrate the sixtieth anniversary of the Universal Declaration of Human Rights.

24. **Mr. Abass** (Iraq) asked the High Commissioner how she envisaged the role of OHCHR in the realm of human rights in Iraq, following the adoption of Security Council resolution 1770 (2007) extending the mandate of the United Nations Assistance Mission for Iraq (UNAMI).

25. **Mr. Acharya** (Nepal) asked the High Commissioner for her assessment of the likely impact of the universal periodic review on the Office's work and wondered how it would be coordinated in countries where special procedures were already in place.

26. **Mr. Amorós Núñez** (Cuba) said that his delegation was pleased that steps were being taken to achieve more balanced geographical distribution among the Office's staff, but more needed to be done. Turning to the reform of the treaty bodies, he wondered how their various approaches and areas of activity could be taken into account in the reform process. Encouraged by the High Commissioner's commitment to the promotion of social and economic rights, he nevertheless wanted to know what measures could be taken by the Office to promote more directly the all-important right to development.

27. **Ms. Gendi** (Egypt) said that she was concerned, now that the Committee on the Elimination of Discrimination against Women was being transferred from New York to Geneva to be under OHCHR, that that Committee might focus on human rights to the detriment of other aspects of women's development, such as capacity-building. She asked the High Commissioner how she envisaged the division of labour between those two bodies.

28. **Ms. Nelson** (Canada) said that, given that human rights, peace and security and development were interlinked, the High Commissioner should give an update on efforts to mainstream human rights throughout the United Nations system. Canada had increased its funding to OHCHR because it fully supported its strategic management and efforts to expand its field presence.

29. **Mr. Belinga-Eboutou** (Cameroon) said that appropriate steps should be taken to comply with General Assembly resolution 61/158 concerning the Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé. That resolution requested the Secretary-General and OHCHR to provide additional funds and human resources to the Centre but, to date, no extra post had been created. He felt that there should be an item on the expenditure for the Centre in the future budget.

30. **Mr. Sáurez** (Colombia) thanked the High Commissioner for her visit to his country, when she had signed an agreement to extend the comprehensive mandate of OHCHR for three years.

31. **Ms. Abdelhak** (Algeria) said that OHCHR had visited Western Sahara and prepared a report, but it had never been submitted for consideration or published. She wondered upon which criteria that decision had been based. Her second question concerned relations between OHCHR and the Human Rights Council. Although the Commissioner submitted a report to the Human Rights Council every year, there was no ensuing interactive dialogue that would, in her delegation's opinion, enhance the commitment of Member States to the policies of OHCHR. The Algerian delegation in Geneva had proposed a revision of inter-institutional relations, and she asked the Human Rights Commissioner for her views on that proposal.

32. **Mr. Sergiwa** (Libyan Arab Jamahiriya) referred to the new universal periodic review adopted by the Human Rights Council that would make all countries subject to review, contrary to the country-specific procedure under the Commission on Human Rights. He asked how the Council would avoid the politicization that had prevailed in the Commission.

33. **Ms. Hubert** (Norway) said that she appreciated the implementation of the Office's plan of action through the Strategic Management Plan, as well as its increased country involvement and improved partnerships within the United Nations system. She wondered if there was a need to strengthen further that process through additional measures.

34. **Mr. Chabar** (Morocco) said that he regretted that the representative of Algeria had sought to politicize the discussion in referring to the Office's mission to Western Sahara. The initial terms of reference of that visit had not been respected, and Morocco had serious reservations about the report.

35. **Ms. Arbour** (United Nations High Commissioner for Human Rights), responding to the second round of questions, said that she hoped to have the opportunity of briefing Member States on the results of a forthcoming meeting to be held in Geneva with all heads of field presences. The human rights components of peacekeeping missions and human rights advisers would also be present. Her Office supported all national, regional and international initiatives highlighting the upcoming sixtieth anniversary of the Universal Declaration of Human Rights, particularly those that emphasized the universality of rights and the importance of diversity and multiculturalism. She thus welcomed Benin's initiative. OHCHR would be launching a major awareness campaign of its own in December.

36. She hoped that the security situation in Iraq would permit increased United Nations involvement. OHCHR was committed to helping the Government address the very challenging circumstances in the country as part of the integrated United Nations mission. The real test of the universal periodic review (UPR) would be in its collective implementation. An equitable treatment of all Member States in measuring compliance with human rights obligations would help address the claims of selectivity and politicization that had crippled the work of the Commission on Human Rights. The first group of countries was scheduled for review in April 2008.

37. Treaty body reform was a work in progress. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, in particular, were rightly concerned to ensure that their own specific identities and competences were preserved. In regard to the implementation of the right to development, she was pleased to report on an encouraging shift from theoretical debate towards genuine practical initiatives. The decision to transfer the Secretariat of the Committee on the Elimination of Discrimination against Women to Geneva had been fully consultative, and she was confident that the treaty body's relationship with all existing interlocutors would be preserved. The treaty body remained in charge of its own destiny.

38. Only the previous day, the Security Council had stressed the importance of continuing to combat violence against women, including in situations of armed conflict. The human rights centre in Yaoundé, Cameroon, received funding, on an exceptional basis, from the Organization's regular budget. Any decision to allocate additional extrabudgetary funds would also have to take account of other needs in the region. OHCHR would, as always, be guided by decisions of the General Assembly.

39. Her Office's proposal to submit reports on Uganda and Nepal for the consideration of the Committee had been in full compliance with the memorandums of understanding negotiated with those countries. However, she was perfectly willing to yield to the Committee's wish not to consider them at the current session. She wished to stress, however, that her Office's field presences in both Uganda and Nepal enjoyed excellent relations with the Governments concerned and that the reports in question had been made available for their comments prior to circulation.

40. Concerning the different procedure adopted with regard to the question of Western Sahara, it had been decided, on the basis of consultations with the Governments concerned, that she would deal at her discretion with the report of the small team dispatched to the Western Sahara and Tindouf, Algeria. The report had been the subject of a confidential dialogue with Algeria and Morocco; wider dissemination would have served no purpose at that time. Whereas the Commission on Human Rights had only met for one six-week annual session, the Human Rights Council met regularly throughout the year. In her capacity as High Commissioner, she presented an annual report to the Council, updated at subsequent sessions. She also held regular briefings with regional groups and made herself and her colleagues available to Council Members and non-Members for consultations.

41. **Ms. Katabarwa** (Uganda) said that she wished to reiterate that her country's Permanent Mission in Geneva had not been notified that a report on Uganda was to be tabled at the current session.

42. **Mr. Pascoe** (Under-Secretary-General for Political Affairs), introducing the report on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/62/293), said that the Department of Political Affairs had embarked on a course of major reform that would make it more field-oriented and allow for a more integrated response to political and electoral issues. Its Electoral Assistance Division had always focused primarily on the field, coordinating its work with a variety of partners. As the focal point for electoral assistance activities, he was responsible for making sure that every request for election assistance received a timely and appropriate response. He also coordinated United Nations system efforts and ensured that any advice and assistance provided was unbiased, up-to-date and tailored to the specific needs of requesting States.

43. Since its establishment 15 years previously, the Division had provided assistance to 107 Member States, including 43 in the past two years. A growing number of United Nations offices, programmes and agencies were now involved in providing electoral assistance, on the basis of an initial needs assessment mission. The United Nations Development Programme (UNDP) was the Division's primary partner in providing long-term technical assistance. Other partners included OHCHR, the United Nations Office of Project Services and United Nations Volunteers. For elections in a post-conflict setting, the Division collaborated closely with the Department of Peacekeeping Operations. The newest entity to contribute to electoral assistance was the United Nations Democracy Fund. External partners included the European Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the International Institute for Democracy and Electoral Assistance and the International Foundation for Election Systems.

44. The report also highlighted the changing nature of the electoral assistance provided by the Organization. There was more call now for assistance for local elections; gender considerations were being incorporated at all stages; and the majority of assistance was now technical, rather than consisting of electoral observation. The United Nations had been asked to certify the results of elections in three Member States, most recently in Timor-Leste. The assistance provided was also becoming more complex, as Member States sought advice on the latest electoral technologies.

45. He planned to work with relevant United Nations departments to streamline administrative, procurement and financial procedures that often inhibited the Organization's ability to respond to assistance requests. The terms of reference of the United Nations Trust Fund for Electoral Assistance had been revised. Access to flexible, immediate funding was necessary for conducting urgent electoral missions as part of conflict prevention and for ensuring long-term electoral capacity-building. Additional trust funds might also contribute to such work.

46. One priority was to computerize the United Nations electoral assistance roster and integrate it into the Nucleus/Galaxy system used for all field mission recruitment. Reference materials were currently being developed on electoral best practices, and he would be calling for a review of lessons learned in the certification of elections. Member States, for their part, must help ensure that the necessary political conditions for viable elections existed.

47. **Mr. Amorós Núñez** (Cuba) said that his delegation continued to maintain its position that electoral assistance did not fall within the mandate of the United Nations Development Programme (UNDP) and that the United Nations Fund for Democracy must take account of the views of recipient countries in the implementation of any project.

48. **Mr. Scholvinck** (Director, Division for Social Policy and Development), introducing and updating the report on the status of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/62/230), said that, only six months after its opening for signature, the Convention already had no fewer than 118 signatories, and its Optional Protocol 66 signatories. There had been seven ratifications of the Convention and three of the Optional Protocol. The adoption of the Convention represented a crucial opportunity to consolidate disability-related activities within the United Nations system. A first step might be the examination of options to improve synergy between the three main disability instruments, namely the Convention, the World Programme of Action and the Standard Rules for the Equalization of Opportunities for Persons with Disabilities.

49. The elaboration of the Convention had provided an excellent opportunity for close collaboration between the Department of Economic and Social Affairs (DESA) and OHCHR on a human rights approach to development, enabling them both to capitalize on their respective expertise. The Committee on the Rights of Persons with Disabilities would be serviced in Geneva by OHCHR, while the Conference of States Parties would be serviced in New York by the Department of Economic and Social Affairs, continuing that close collaboration during the instrument's implementation stage. Programme budget implications of the adoption of the Convention were contained in a note by the Secretary-General (A/C.5/61/15).

50. **Mr. Mbaidjol** (Director, New York Office of the High Commissioner for Human Rights), introducing the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/62/222), said that the report contained replies received from Governments focusing on the complex nature of globalization and the challenges and opportunities that it created for the promotion and protection of human rights. The report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/62/317) provided an overview of the activities carried out by the Centre from September 2006 to August 2007, which included capacity-building of Governments in the subregion through technical cooperation and advisory services, support to democratic and peace processes, public information activities and dissemination of documentation related to human rights, and the development of innovative partnerships.

51. Turning to the report of the Secretary-General on combating defamation of religions (A/62/288), he said that it contained summaries of replies received from Member States and relevant information concerning activities of OHCHR and United Nations human rights mechanisms. The report pointed out that the majority of States had constitutional provisions prohibiting

discrimination on the basis of religion with provisions enshrining the right to freedom of religion, and also noted the measures undertaken by States in the areas of criminal law, mass communications and education to combat defamation of religions. It provided an overview of the work of the United Nations human rights mechanisms and OHCHR in raising awareness of issues pertaining to freedom of religion or belief, respect for diversity and dialogue among civilizations and cultures.

52. The report of the Secretary-General on the right to development (A/62/183) updated the report of the High Commissioner for Human Rights submitted to the Human Rights Council at its fourth session in March 2007. It drew attention to the highlights of the eighth session of the Working Group on the Right to Development and to the renewal of the mandate of the Working Group and its high-level task force for a further two years. The report of the Secretary-General on human rights and unilateral coercive measures (A/62/255) summarized views and information received from Governments and their analysis of the implications and negative effects of unilateral coercive measures on their populations.

53. The report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/62/298) reaffirmed that any action taken to combat terrorism must comply with States' obligations under international law, in particular human rights, and refugee and humanitarian law, and highlighted the adoption of the Global Counter-Terrorism Strategy and plan of action as an important document that considered respect for human rights and the rule of law to be the fundamental basis of the fight against terrorism. The report recommended that States should continue to implement the Strategy, which should include a commitment to ensuring that the human rights treaties would become a full component of the counter-terrorism architecture.

54. Turning to the report of the Secretary-General on human rights and cultural diversity (A/62/254), he said that it contained summaries of replies received from Member States, relevant United Nations agencies and non-governmental organizations focusing largely on measures taken within their own States to promote cultural diversity and recommendations to further the scope of General Assembly resolution 60/167 at the international level. The report of the Secretary-General on national institutions for the promotion and protection of human rights (A/62/287) contained information on OHCHR activities to assist in the establishment and strengthening of national human rights institutions, measures taken by Governments and national institutions, support to regional activities of national human rights institutions and cooperation between those institutions and international mechanisms to promote and protect human rights. It also highlighted the increasingly important role of those institutions with regard to the treaty body system, the special procedures of the Human Rights Council and the universal periodic review mechanism.

55. Finally, the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/62/318) outlined activities undertaken by the United Nations, in particular OHCHR, to promote and protect human rights in the Democratic People's Republic of Korea. It also contained information submitted by other United Nations agencies concerning the human rights of refugees, the right to food, the rights of the child, freedom of thought and expression and equal access to information. The report further highlighted the limited progress made in implementing the measures set out in previous resolutions of the Commission on Human Rights and the General Assembly on the human rights situation in the country and recommendations addressed to the Government by special procedures and treaty bodies.

56. **Mr. Salgueiro** (Portugal), speaking on behalf of the European Union; the candidate country the former Yugoslav Republic of Macedonia; the stabilization and association process countries Montenegro and Serbia, as well as Ukraine and Moldova, said that in recent decades, the cause of human rights had gained increasing recognition and active engagement. The responsibility for addressing human rights violations around the world could no longer be ignored, and all countries faced challenges regarding their human rights records. The European Union was fully committed to the promotion and protection of all human rights and would continue to support and cooperate with all international and regional human rights mechanisms.

57. International human rights law had been reinforced with the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as the International Convention for the Protection of All Persons from Enforced Disappearance. Furthermore the adoption of the

Declaration on the Rights of Indigenous Peoples, after more than two decades of negotiations, was another achievement in ensuring the continued development of indigenous peoples around the world. The establishment of the institutional framework for the Human Rights Council had provided it with the necessary tools to deal effectively with human rights situations in the world.

58. The General Assembly, as the main United Nations body of universal composition, could not remain silent in the face of human rights violations, even if they were also addressed by the Human Rights Council. Those situations should be discussed openly and frankly in dialogue with the countries concerned, but there was a duty to call attention to and mobilize the international community to implement human rights for all. The European Union was pleased to note that an increasing number of countries had abolished the death penalty, and welcomed the abolition of the death penalty for all crimes in Rwanda. It set a powerful example to other countries around the world that a country like Rwanda, which had known terrible violence in its recent past, had taken such a step. However, the number of executions had increased in some States during the past year; any miscarriage of justice in the application of capital punishment represented an irreparable loss of human life. The European Union called on all States that still maintained the death penalty to establish a moratorium on executions with a view to its abolition.

59. The European Union reiterated its serious concerns over the continued violence and grave human rights violations in the Sudan. In Darfur, the situation remained characterized by gross and systematic human rights violations and grave breaches of international humanitarian law. He urged the Government to end impunity by bringing those responsible to justice, including through full collaboration with the International Criminal Court. It was of particular concern that an individual who had been appointed as co-chair of a governmental human rights committee had been indicted by the Court for war crimes.

60. The European Union was gravely concerned with the deterioration of the human rights situation in Sri Lanka, in particular the disturbing rise in abductions, enforced disappearance, arbitrary detention, extrajudicial killings and extortion perpetrated by the Government, the Liberation Tigers of Tamil Elaam (LTTE) and the Karuna faction. The use of child soldiers was also worrying. Perpetrators enjoyed impunity and there was a lack of protection to human rights defenders, including the press. He urged the Government to comply with international human rights standards and to cooperate fully with relevant United Nations mechanisms, allowing for impartial, transparent and effective investigations into human rights abuses that would contribute to ending impunity in the country.

61. While recalling the international commitments of the Islamic Republic of Iran, the European Union condemned its systematic human rights violations, such as the extended use of capital punishment, including against juvenile offenders, the growing use of collective and public execution and such cruel and unusual punishments as stoning, flogging and amputation. It urged the Government to end mass arrests of peaceful human rights defenders, activists, students and journalists while exercising their right to freedom of expression. The continuing climate of insecurity and impunity in the Democratic Republic of the Congo, the use of armed violence, arbitrary detention, torture, abuse of children including recruitment of child soldiers, attacks on civilians, harassment of human rights defenders and journalists, continued to be worrying. The widespread use of sexual violence was also of serious concern. The European Union expressed its support to the Independent Expert on the situation of human rights in the Democratic Republic of the Congo, and hoped that the mandate would be extended by the Human Rights Council.

62. The European Union remained extremely concerned with the human rights situation in Belarus, and regretted that the mandate of the Special Rapporteur had been discontinued by the Human Rights Council. That should not imply a lessening of attention to the human rights situation in the country, which had recently deteriorated. Recurrent threats, intimidation and illegal sentencing of non-governmental organizations and members of civil society were disturbing, and the Government of Belarus must comply with its obligations under international law. The European Union position on the human rights situation in Cuba was one of concern and encouragement of peaceful change towards a pluralistic democracy where human rights and fundamental freedoms could be enjoyed. Although it welcomed the release of a few prisoners in recent months, the

European Union urged the Cuban authorities to release unconditionally all political prisoners and to allow humanitarian access to prisons, including by the International Committee of the Red Cross. It also appealed for further cooperation with international human rights mechanisms, particularly by allowing visits by Special Rapporteurs.

63. The European Union continued to follow closely developments in Afghanistan and welcomed measures taken by the Government to promote human rights. However, it had learned with deep regret of the recent execution of 15 Afghan nationals and urged the Government to halt any possible further executions and to reconsider the de facto end to the moratorium on the death penalty. Despite all efforts, the humanitarian crisis in Zimbabwe had steadily worsened, bringing misery to millions of its ordinary citizens. The European Union had regularly condemned the continued use of intimidation, violence, arbitrary arrest and torture by the police and other security forces towards Zimbabwean citizens, in particular students, human rights defenders, opposition and civil society leaders. It regretted the systematic use of repressive legislation and its arbitrary application by the Government against the right to freedom of expression and association. Zimbabwe could have a significant impact on security and prosperity in its region, and the efforts of the Southern Africa Development Community (SADC) to facilitate talks between the Zimbabwe African National Union (ZANU) and the Movement for Democratic Change (MDC) would hopefully result in free and fair elections.

64. The European Union was highly concerned with the deepening humanitarian crisis in Iraq, which had led almost two million Iraqis to seek refuge in neighbouring countries, and commended the solidarity displayed by its neighbours, Jordan and the Syrian Arab Republic, in particular, in the face of their suffering. It underlined the importance of a continued dialogue with the countries of the region in order to improve the deplorable situation of the refugees. The consequences of the very difficult security situation on human rights and the life of the population were devastating, and the Iraqi Government must take steps to combat impunity. The invitation to the Special Rapporteur on torture to visit in 2008 was welcome.

65. In Somalia, reports of targeted killings, the inability of journalists to carry out their work without interference and the absence of a free media were of particular concern. The European Union urged all parties in Somalia to respect international human rights standards, which were an essential element of a sustainable political process and vital to commanding the support of the international community. The worsening human rights situation in the Somali region of Ethiopia was also of deep concern. The decision of the Guatemalan Congress to establish the International Commission against Impunity showed a strong commitment to fight impunity, work towards the eradication of illegal armed groups and prevent their re-emergence. The European Union remained concerned, however, at the high level of politically motivated violence in Guatemala during the electoral campaign, and underlined the importance of human rights defenders in combating a culture of impunity.

66. The European Union welcomed the efforts of the Government of Colombia to recover State legitimacy and bring peace to the country, which had seen more than 40 years of fighting between the Government, paramilitaries, armed groups and criminal gangs. It recognized the important role of OHCHR in mainstreaming human rights in conflict management in Colombia and welcomed the extension of the mandate in that country. The European Union remained deeply concerned about the protection of human rights in Uzbekistan, especially freedom of expression and assembly and the grave situation of human rights defenders, and called on the Government to cooperate fully with all relevant United Nations mechanisms. In Eritrea, the detention without charge of members of minority religious groups, journalists, leading political figures and members of civil society contravened international human rights agreements to which Eritrea was party. The European Union was also concerned at the lack of freedom of speech, religion and political expression, and urged the Government of Eritrea to comply with its international human rights obligations.

67. One of the priorities for the European Union had always been the protection of human rights defenders and the promotion of their work. It would continue to make use of its Guidelines on Human Rights Defenders to raise awareness of the importance of their work. The work to promote economic, social and cultural rights by environmental activists, trade unionists or land rights advocates, which was seldom recognized by the international community and therefore lacked the same degree of protection, should also be remembered.

68. He reiterated the European Union's firm stance regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. International law did not allow for any exceptions to that prohibition. In commemoration of the twentieth anniversary of the entry into force of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he called on all States parties to comply strictly with their obligations under the Convention. He called on all States to reject the institutionalized climate of impunity for acts of torture still occurring in many parts of the world and to bring to justice all alleged perpetrators of such acts. The European Union was also concerned at attempts to weaken the definition of torture. It remained concerned at reported cases of torture in many countries and the inhuman conditions of detention centres and prisons. The Special Rapporteur on torture played an important role in combating and preventing it, and he urged States to cooperate with his mandate and allow country visits.

69. In 2008, the sixtieth anniversary of the Universal Declaration of Human Rights would be celebrated. If the international community remained firm in its actions and devoted to its goals, the year ahead would offer an opportunity to fulfil the vision set forth in the Declaration and achieve universal freedom to live in dignity.

70. **Mr. Mac-Donald** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that several Community members had been among the signatories of the Convention on the Rights of Persons with Disabilities. The Convention was a significant step towards changing the concept of disability and ensuring global recognition that all people must be provided with opportunities to live to their fullest potential. The sixtieth anniversary of the Universal Declaration of Human Rights would be celebrated in 2008. The fact that it was widely available throughout the world and had been translated into over 300 languages was testimony to the global partnership for human rights.

71. Despite notable progress in civil and political rights, it was disappointing to note that the international community still fell short in the progressive realization of economic, social and cultural rights. CARICOM reiterated the indivisibility of all human rights. Pervasive poverty, inequalities between and within countries, the spread of disease, armed conflict, intolerance, lack of security and climate change were reminders that much remained to be done in implementation of human rights for all.

72. At the 2007 commemoration of World Food Day, the Special Rapporteur on the right to food had acknowledged that the number of people suffering from hunger had increased, despite the fact that the world had the means to make poverty history. CARICOM believed that the international community must redouble its efforts in the fight against poverty and address such serious issues as harmful trade policies, food safety and security and unfair competition. The right to health should be addressed in a holistic way, paying attention not just to medical care but to underlying causes of poor health, including access to safe drinking water and adequate sanitation. Political leaders of CARICOM countries, conscious of the critical role of health in their economic development, had committed themselves to improving the health status of their populations. CARICOM noted the ongoing work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and shared his concern at tightened national laws on asylum and immigration as a means to defend national security.

73. His region remained convinced that equal attention should be given to the impact of globalization on the full enjoyment of human rights. Globalization was not merely an economic process. The most critical issue was how globalization could be used for the promotion and protection of human rights, in particular the right to development. Finding a durable solution to the debt problems of developing countries, creating market opportunities, especially for small island developing States, fair competition rules and the democratization of international financial institutions with the participation of developing countries in decision-making could contribute to the advancement of all human rights, including economic and social rights.

74. The Member States of the Caribbean Community remained convinced of the essential contribution of human rights education to the fostering of tolerance and respect for the dignity of others. The proclamation of the World Programme of Human Rights Education reflected the growing recognition that human rights education was essential for building a universal culture of respect for human rights and to protect future

generations from their violation. They subscribed to the view that teaching young people the values of tolerance and respect would contribute to acknowledging differences.

75. CARICOM had taken note of the work of the newly established Human Rights Council, in particular its process of institution-building, encompassing universal periodic review, special procedures and the Human Rights Advisory Committee. The Council was willing to embrace the principles of universality, indivisibility, interdependence and interrelatedness of all human rights, while conducting its work in a spirit of constructive dialogue. Of equal importance were the elements of universal coverage and equal treatment of all States. CARICOM expected the Human Rights Council to deliver on its expectations of creating a more cooperative environment for the promotion and protection of human rights. Lastly, he drew attention to the CARICOM initiative to introduce a draft resolution on the bicentennial of the abolition of the trans-Atlantic slave trade and to erect a permanent memorial at the United Nations in honour of its victims.

The meeting rose at 1.25 p.m.

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Chairman:	Mr. Wolfe	(Jamaica)
Later:	Mr. Gibbons (Vice-Chairman)	(Ireland)

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The meeting was called to order at 3.10 p.m.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36, 369 and 464)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286-289, 293, 298, 304 and 317)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/62/213, 223, 263, 275, 313, 318, 354 and 498)

1. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing his report (A/62/275), said that the situation of human rights in the Occupied Palestinian Territory had worsened since the report's publication on 17 August 2007. Gaza remained an imprisoned society as a result of the complete closure of the main crossing points and 80 per cent of its population were now living below the poverty threshold. Since Israel refused to recognize Gaza as an occupied territory, Israeli banks had discontinued dealings with banks in Gaza, a move which had serious consequences for its inhabitants, who used the shekel as their currency. There had been some improvements in the West Bank since Hamas had seized power in Gaza (release of almost 350 Palestinian prisoners, payment of some of the tax revenue due to the Palestinian Authority, relaxation of travel restrictions in the Jordan Valley and granting of 3,500 residence permits to Palestinians), but the overall situation, in particular its humanitarian aspects, continued to worsen (increase in the numbers of checkpoints and roadblocks (currently 571), military incursions and arrests and murders of militants, continued construction of the wall (which was being rerouted in the Hebron area, increasing the amount of Palestinian land in the closed zone to 13 per cent from the 10.2 per cent indicated in the report) and continued expansion of settlements, with new housing being built and further land confiscated). The problem of prisoners was more acute than ever: there were some 11,000 Palestinians in Israeli jails.

2. Having reviewed the situation since the publication of his report, he turned to the report's conclusions on three main points: the right of the Palestinian people to self-determination, which was seriously threatened by the dispute between Fatah and Hamas; the consequences of 40 years of occupation of the Palestinian Territory, concerning which he would request a new Advisory Opinion from the International Court of Justice; and the role of the United Nations in the protection of human rights in the Palestinian Territory. On the last point, he questioned the role of the Quartet, which reported to the Security Council but had not been established under a resolution of the Security Council or the General Assembly.

3. Since the Quartet was guided by the political will of its most powerful member and paid little attention to the human rights of the Palestinians, it must be asked whether the best interests of the United Nations, which was responsible for protecting those rights, were really served by remaining in the Quartet. He was calling for a serious debate on the issue among all United Nations stakeholders: if the Secretary-General was unable to persuade the Quartet to adopt an even-handed approach to the Israel/Palestine dispute, which took account of fundamental Palestinian rights, he suggested that he should consider withdrawing the United Nations from the Quartet.

4. **Mr. Mansour** (Observer for Palestine) thanked the Special Rapporteur on behalf of the Palestinian people and its leaders for the frankness of his report, his sincerity and his description of the real situation, which unfortunately risked exposing him to much criticism. He assured the Special Rapporteur of the cooperation of the Palestinian people in his ongoing work.

5. **Ms. Schonmann** (Israel) vigorously disputed the objectivity and impartiality of the Special Rapporteur's report. The problem lay in the very nature of his mandate, unchanged since 1993, which required him to examine violations of human rights allegedly committed by Israel without considering those committed by Palestinians. The report was a caricature: it presented a very simplistic view of the situation and contained a number of factual and legal errors and distortions of reality, as well as using inflammatory language (referring, for example, to the "arrest" of Israeli corporal Gilad Shalit). The Special Rapporteur also cited at length a report published in 2006 by the non-governmental organization Peace Now regarding land ownership in the West Bank, but failed to note that Peace Now itself had retracted its report because it contained factual errors.

6. Beyond the report's errors of fact, the Special Rapporteur had departed from the United Nations doctrine of unequivocally condemning terrorism, regardless of the circumstances in which it was committed. By advancing the position that terrorism was a relative concept, he demonstrated a deliberate blindness to the glorification and perpetration of acts of terrorism by certain Palestinian groups. He advanced arguments that legitimized acts of terrorism directed at innocent civilians and compared Palestinian terrorists with resistance fighters throughout history. A cursory look at the Hamas Charter, calling for the annihilation of Israel might help to reveal the lack of any relativity in its vision of the right to self-determination; it was no surprise therefore that the official spokesman of Hamas had wholeheartedly welcomed the Special Rapporteur's latest report.

7. The report struck a blow at the current preparations for peace talks by reflecting an approach that sought to undermine core humanitarian principles, including the principle of self-defence, and could be regarded only as a step backwards in the protection of human rights, not just in the region but throughout the world.

8. **Ms. Abdelhady-Nasser** (Observer for Palestine), speaking on a point of order, said that the statement by the representative of Israel had been unacceptably long.

9. **Ms. Mtshali** (South Africa) said that the Palestinian people had a right to self-determination, a principle that was enshrined in the Charter of the United Nations. The question of Palestine, which had been on the agenda for more than 60 years, remained unresolved. Her Government was very worried by Israel's continuing occupation of the Palestinian Territory and recalled that any solution to the conflict would necessarily involve the creation of an independent State of Palestine, having East Jerusalem as its capital and living side by side with Israel, with both States enjoying secure and internationally recognized borders. She asked the Special Rapporteur what role the United Nations ought to be playing in the Quartet with regard to human rights violations and how the Organization could be more effective in securing Palestinian self-determination and the establishment of an independent State, given that he felt that the Quartet did not speak for the majority of the Member States. She also asked whether there was a need for a new Advisory Opinion of the International Court of Justice on the legal consequences of prolonged occupation and what steps the international community should take to improve the worrying situation of Palestinian prisoners in Israel and to ensure that Israel, the occupying Power, respected the Fourth Geneva Convention.

10. **Mr. Queiros** (Portugal), speaking on behalf of the European Union, said that Israel and the Palestinian Authority must respect internationally established human rights and fundamental freedoms. He asked the Special Rapporteur what measures he thought the two parties should take as soon as possible to improve the human rights situation in the occupied territories and what the international community could do to improve the situation. He shared the Special Rapporteur's opinion that the political rift between Gaza and the West Bank that had occurred in June 2007 when Hamas had come to power had had a negative impact on the human rights situation in the occupied Palestinian territories. The European Union was opposed to the division of the Palestinian territories and was concerned at the continuing deterioration of the human rights situation in Gaza, where it continued to provide humanitarian aid to the population. He asked the Special Rapporteur what he thought the international community should do to promote national reconciliation, strengthen Palestinian institutions in Gaza and improve the humanitarian situation there. Referring to the considerable number of deaths in Gaza since Hamas had taken power, he asked what measures the Special Rapporteur believed should be used to combat impunity there. Concerning the improvement of the situation in the West Bank since Hamas had come to power in Gaza, he asked the Special Rapporteur whether he had any additional information on other measures taken to improve the situation.

11. **Mr. Al-Saif** (Kuwait) said that he had noted with regret and concern the Special Rapporteur's assessment of the human rights situation in the occupied Palestinian territories. Apart from the proposal to request a new Advisory Opinion from the International Court of Justice, he would like to know what other measures the Special Rapporteur advocated for ending Israel's occupation of the Palestinian Territory.

12. **Mr. Edrees** (Egypt) said that the vital, cross-cutting issue of human rights could not be viewed in isolation from the rest of the question of Palestine. He stressed that human rights were enshrined in international norms and that there was no room for compromise as to their application. He was pleased

that the Special Rapporteur had referred to the comments made by the former Envoy to the Quartet in his end-of-mission report and hoped that the United Nations would play a more active role in the Quartet. His Government was concerned at the information in the report concerning the expansion of Israeli settlements, which were illegal and threatened the possibility of lasting peace. He wished to know more about the political repercussions of the situation created by those settlements.

13. **Mr. Al-Shami** (Yemen) said that the Special Rapporteur had shown courage in describing in his report the violations of Palestinians' human rights in the occupied territories since 1967; he hoped that action would be taken on his conclusions.

14. **Mr. Abdeen** (Sudan) said that the report described the situation in the occupied territories objectively and asked the Special Rapporteur to point to any measures that would enable the United Nations to force Israel to apply the resolutions on Palestinian human rights in particular and the question of Palestine in general.

15. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that "terrorism" was indeed a relative concept. Two individuals accused of terrorist activities had subsequently become prime ministers of Israel. Terrorism must be condemned from a moral and legal standpoint, but there was a danger that focusing on it too much might result in the real issues being ignored.

16. Replying to the representative of South Africa, he noted that the Oslo Accords had not lived up to Palestinian expectations because they had failed to take into account the issue of the human rights of the Palestinian people. The Quartet should put more emphasis on human rights. Requesting a further Advisory Opinion from the International Court of Justice might make it possible to determine whether Israel was still occupying Gaza and to identify more clearly the legal aspects of the prolonged occupation of the Palestinian territories. With regard to Palestinian prisoners, according to humanitarian law, they ought to be imprisoned in the occupied territories, not in Israel. The Israeli Government must comply with its obligations in that regard.

17. Replying to the representative of Portugal, he said that in order for human rights to be respected in the occupied territories, the problem of the separation wall and the increase in the number of checkpoints and border crossings needed to be solved urgently. As far as national reconciliation was concerned, the United Nations should act as a go-between in trying to bring the two sides closer together. The international community must give its attention to the serious allegations of human rights violations in Gaza and the West Bank.

18. Replying to the representative of Kuwait, he said that the Third Committee should recommend to the General Assembly that it consider asking the International Court of Justice for an Advisory Opinion on the legal consequences of the prolonged occupation of the Palestinian territories.

19. Replying to the Egyptian representative's question about settlements, he noted that even though the Israeli Government was claiming that it had put a freeze on the establishment of new settlements, work on them was continuing, funded and supported by the State.

20. Replying to the representative of Yemen, he noted that the Quartet could contribute to the implementation of United Nations resolutions by insisting that the Israeli Government comply with its international obligations. In its statements, however, the Quartet had all too often criticized the Palestinian Authority while ignoring the serious human rights violations committed by Israel.

21. **Mr. Ramadan** (Lebanon) endorsed the Special Rapporteur's conclusions and recommendations. The report admittedly contained repetitions, but those only served to demonstrate the persistence of Israeli practices. He wondered whether killings and systematic violations could be deemed to constitute a policy and whether the fact that the silent majority closed their eyes to those human rights violations implicated them legally.

22. **Mr. Rees** (United States of America) said that his Government shared the international community's concerns about the hardships faced by Palestinians. It disagreed strongly with the criticism levelled at the Quartet, of which the United Nations was a member and whose goal was to advance Israeli-Palestinian peace and to set normative parameters for acceptable action by the parties. The suggestion that the United Nations should consider withdrawing from the Quartet was irresponsible. The Special Rapporteur was implying that the Quartet had no legitimacy, when in

fact the Security Council has endorsed its efforts to advance peace on a number of occasions.

23. His Government was troubled by the Special Rapporteur's superficial treatment of the complicated and illegitimate situation in Gaza, where Hamas had seized power violently, and strongly disagreed that Fatah had seized power by similar means in the West Bank. Such accusations could only further complicate an already difficult situation.

24. His Government had a long-standing commitment to improving the lives of Palestinians living in the West Bank and Gaza and to the creation of a Palestinian State. Since 1993, it had delivered more than US$ 1.7 billion in aid to the West Bank and Gaza to combat poverty, create jobs, improve education, build roads and water systems, construct and equip medical clinics and promote good governance. In 2007, it had been the largest bilateral contributor of assistance to the Palestinian people, spending over US$ 204 million.

25. His Government was concerned that the Special Rapporteur had devoted no more than a passing reference to acts of terror directed towards Israeli citizens. His implication that terrorism could be justified under any circumstances was disturbing. There could be no peace until there was an end to violence. The Special Rapporteur's allusions to apartheid were also inappropriate. While his Government regretted the loss of all innocent life, both Palestinian and Israeli, there was a clear distinction between military operations by the Israel Defense Forces and the deliberate targeting of civilians by terrorist organizations operating in the West Bank and Gaza.

26. He believed that seeking a further Advisory Opinion from the International Court of Justice would be inconsistent with Security Council and General Assembly support for the peace process. His Government was attempting to advance bilateral talks between the parties in preparation for the international meeting to be held later in the year. At a time when efforts were being made to reach a solution, the Special Rapporteur should have focused on objective reporting rather than producing a biased report that detracted from efforts to advance peace.

27. **Ms. Halabi** (Syrian Arab Republic) endorsed the Special Rapporteur's opinions and commended the efforts that he was making to fulfil his mandate. As a national of a country that had long practised racial discrimination and apartheid, he was well placed to promote the dialogue needed to settle the Arab-Israeli conflict.

28. **Ms. Sutikno** (Indonesia) said that the present year was no cause for celebration, marking as it did the fortieth anniversary of the occupation of Palestinian territories. The Palestinians would remain the primary victims of the occupation for as long as it continued. She welcomed the release of 225 Palestinian prisoners and the amnesty for 175 Fatah militants, as well as the remittance of $119 million of Palestinian tax funds to the Palestinian Authority. The violation of human rights had a serious impact on the situation in the West Bank. She endorsed the Special Rapporteur's suggestion that the International Court of Justice should be asked to give an Advisory Opinion and wished to know what that Opinion would achieve. She also wished to know what approach the Special Rapporteur might adopt in order to contribute to the work of the Quartet, particularly with regard to the inclusion of human rights aspects.

29. **Mr. Sergiya** (Libyan Arab Jamahiriya) welcomed the conclusions and recommendations contained in the report and asked about new mechanisms or measures that would help to end the occupation and enable the Palestinians to exercise their right to self-determination, which was recognized by the United Nations and all other international organizations.

30. **Mr. Badji** (Senegal) said that the report laid bare the human rights situation in the occupied territories. It valuably drew the attention of the international community to its responsibilities by calling upon it to protect the rights of Palestinians, restore justice and respect international law by condemning the Israeli occupation and acting on the Advisory Opinion. He hoped that the Committee would follow up the report and that the international community would take into account the Special Rapporteur's recommendations.

31. **Ms. Medal** (Nicaragua) welcomed the recommendations contained in the report, which were extremely pertinent, particularly concerning the role of the United Nations. The Palestinian people should be permitted to exercise their right to self-determination and the violations to which they were subjected should be brought to an end.

32. **Mr. Ferrer** (Cuba) said that his Government had always supported the cause of the Palestinian people. His delegation looked forward to further details from

the Special Rapporteur concerning the impact of the separation wall on the ability of the Palestinians to exercise their fundamental rights.

33. **Ms. Abdelhady-Nasser** (Observer for Palestine) said that the Special Rapporteur, in common with other international entities, had based himself on international law, international humanitarian law and human rights law in considering the situation in Palestine. His detailed factual report amply demonstrated that the Israeli Government was violating the human rights of Palestinians. The time had come to identify what the international community, in particular the Security Council and civil society, could do to end that situation.

34. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that the 2004 Advisory Opinion had been confined to the question of the legality or illegality of the separation wall being built within Palestinian territory. It was important to consider all aspects of the occupation, particularly given that it had been accompanied by colonialism, which was in violation of the obligations by which Israel was bound. He noted that the Advisory Opinion could provide legitimacy for United Nations action on the subject.

35. Replying to the questions by the Indonesian representative, he reiterated his complaint that the Quartet did not take the human rights content of the situation sufficiently seriously.

36. Replying to the issue raised by the Libyan representative, he said that any peaceful settlement of the Palestinian question should inevitably take into account human rights.

37. Replying to the remarks by the Observer for Palestine, he said that States and civil society alike should play a more pro-active role and that the Quartet should devote more attention to human rights.

38. Replying to the comments by the United States representative, he noted that the United States Government had imposed its will on the other members of the Quartet, who had indicated that they were prepared to accept the Advisory Opinion. On the subject of terrorism, he did not wish to underestimate its importance but felt that it could be used as a distraction. He disputed that the separation wall was being built for security purposes; it was clearly intended to enclose Israeli settlements within Israel. Lastly, although it was politically incorrect to suggest that some Israeli practices in the occupied territories were akin to apartheid, it could not be ignored that many of those practices in the West Bank and East Jerusalem discriminated on racial grounds against Palestinians.

39. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (A/62/223), said that he had not been granted access to Myanmar since November 2003 but that he continued closely to follow events in the country. As in the past, his report had been shared with the Permanent Mission of Myanmar in Geneva, many of whose suggestions had been accommodated.

40. Since the submission of his report, tragic events had been taking place in Myanmar. On 15 August 2007, the Government had increased the retail price of fuel, leading to peaceful protests by the population, whose standard of living had been severely curtailed over the years. From 18 to 30 September, large demonstrations had been led by monks, with the participation of the '88 Generation Student Group, parliamentarians, religious minorities and citizens, including women and children. From 26 to 28 September, the security forces had repressed peaceful demonstrators with the use of excessive force, killing and seriously injuring a number of demonstrators and making wide-scale arrests. Many of those demonstrators had not yet been released and he continued to receive alarming reports of deaths in custody and disappearances. He was also gravely concerned at the use of non-law-enforcement officials and non-State armed groups alongside the security forces.

41. He joined his fellow special procedure mandate-holders in calling on the Myanmar authorities immediately and unconditionally to release the detainees and political prisoners, including the General Secretary of the National League for Democracy (NLD), Aung San Suu Kyi, who had been in detention or under house arrest for 12 years. He nevertheless welcomed the appointment of a liaison officer tasked with starting a dialogue with the NLD General Secretary and hoped that such a dialogue would begin without further delay.

42. States of the region had an outstanding role to play in the process towards upholding the principles of democracy and rule of law in Myanmar, but

coordination of the different approaches among Member States was urgently needed. He proposed a strategic dialogue with the Government of Myanmar aimed at reconciling the army with the people and was encouraged by the expressions of deep concern issued by key international and regional actors, such as the Association of Southeast Asian Nations (ASEAN) and the United Nations Security Council.

43. He welcomed the access provided to Mr. Ibrahim Gambari, Special Envoy of the Secretary-General, by the Government of Myanmar and called upon it to continue cooperating with him. Under Human Rights Council resolution S-5/1, he himself had been mandated to assess the current human rights situation in Myanmar, including by seeking an urgent visit to the country. He was pleased to report that the Government of Myanmar had recently confirmed its agreement to such a visit, during which he proposed to gather information, testimonies and data, as well as verify the allegations of ongoing human rights abuses in Myanmar.

44. Since the recent wave of repression, he had received numerous worrying reports concerning detainees, detention conditions and night raids conducted during curfew hours. Individuals had also reportedly been charged and sentenced by special courts. At the current stage, it was difficult to provide accurate numbers of persons killed, arrested or still in detention, as the figures provided by the authorities perhaps underestimated the real figures.

45. In accordance with Human Rights Council resolution S-5/1, he urged the authorities of Myanmar to secure the physical and psychological integrity of all detainees; reveal the whereabouts of individuals, particularly missing persons; ensure immediate access by the International Committee of the Red Cross (ICRC) and other humanitarian personnel to all detainees; take steps for the unconditional release of all detainees; grant amnesty to people already sentenced and drop prosecutions already under way; conduct independent and thorough investigations into killings and enforced disappearances; engage in a constructive dialogue with the Human Rights Council and its special procedures; and take steps to alleviate the economic hardship of the great majority of the population and introduce serious reforms.

46. The persecution of members of the opposition and human rights defenders showed that many obstacles to a genuine transition remained, despite the laying down of principles for a new constitution by the National Convention on 3 September 2007. The arrest and detention of several political leaders and the severe and sustained restrictions on the exercise of fundamental freedoms could only be detrimental to Myanmar's stability. There would be no progress in political transition until ordinary citizens were able to express their views and discontent peacefully and in public.

47. The progressive deterioration of the economic and social situation and the hidden war that had decimated generations of Karen, Shan and other minority groups were also major obstacles.

48. It was a further matter of concern that in order to find out what was really happening in their country and the rest of the world, citizens of Myanmar were forced to rely on sources of information that were prohibited by the national authorities and that the Internet was censored and electronic mail services restricted.

49. **Mr. Thaung Tun** (Myanmar) paid tribute to Mr. Pinheiro in his capacity as Independent Expert directing the Secretary-General's in-depth study on violence against children. However, his report on the situation of human rights in Myanmar (A/62/223) was less than objective. To his credit, the Special Rapporteur acknowledged, in paragraph 62 of the report, that he had not been able to verify the accuracy of the allegations received owing to the fact that he had been unable to visit the country in recent years. Unsubstantiated allegations had no place in the report of a Special Rapporteur who was aware of the complex situation in the country and could obtain reliable information from various sources.

50. He recalled that the Special Rapporteur had made six visits to Myanmar, during which the country's authorities had extended their full cooperation to him, allowing him to travel the length and breadth of the country to witness at first hand the palpable changes taking place, even in remote areas, thanks to the restoration of peace and stability. The Special Rapporteur had also had the opportunity to meet with the country's leaders and with representatives of political parties and of armed groups that had returned to the legal fold, as well as to visit prisons and interview detainees.

51. Cooperation with the United Nations was a cornerstone of the Government's foreign policy and it

was ready to receive the Special Rapporteur again in November. It had also agreed to a visit by the Special Envoy of the Secretary-General, Mr. Ibrahim Gambari, that same month. In addition, several other senior United Nations officials had already visited Myanmar and the United Nations country team was in a position to provide balanced and objective reports on the situation in the country.

52. In recent months and weeks, Myanmar had become an emotive issue. However, the international community must be able to rise above the fray and discern the true situation. Peaceful protests had been sullied by political activists and rabble rousers, but the Government had exercised restraint. The situation would not have deteriorated to such an extent had it not been for the subversive acts carried out by political opportunists with foreign support. One political party, in collusion with Western embassies, had even disseminated malicious news.

53. Normality had been restored in the country and the curfew on certain urban areas had been completely lifted. Following the visit of the Special Envoy of the Secretary-General from 29 September to 2 October 2007, the Government had appointed a Minister to liaise with Aung San Suu Kyi, a 54-member committee had been established to draft a new constitution, the Special Envoy and the Special Rapporteur had been invited to visit Myanmar in November 2007 and 2,677 demonstrators, who had been briefly detained for questioning, had been released. Further releases would follow.

54. He welcomed the fact that the Special Rapporteur had acknowledged that important changes were taking place in the country, but regretted that he had questioned the viability of the National Convention, which had in fact completed its work. Only the Government and people of Myanmar could fashion their own destiny.

55. Although time constraints made it impossible for him to refute all the unsubstantiated allegations contained in the report, he could not let the outrageous allegations of human rights violations, particularly sexual violence and recruitment of child soldiers, pass without comment. He wished to reaffirm that it was not his Government's policy to recruit child soldiers and that an action plan to prevent their recruitment was in place, as the Special Representative of the Secretary-General for Children and Armed Conflict had confirmed.

56. When the Special Rapporteur visited Myanmar in November for the seventh time at the Government's invitation, he would be accorded full cooperation in carrying out his important mission. His delegation hoped that in the report to be submitted to the next session of the Human Rights Council, the Special Rapporteur would acknowledge the developments taking place in the country and make fair and pragmatic recommendations.

57. **Ms. Martins** (Portugal), speaking on behalf of the European Union, said that the situation in Myanmar had evolved since the previous report, but not in the right direction. The European Union was deeply concerned and urged the Government of Myanmar to cooperate with United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in Myanmar. She wished to know the status of preparations for the Special Rapporteur's visit, as well as the exact date of that visit and its main objectives. In his report, the Special Rapporteur recommended ways and means of addressing urgently — and with pragmatism — the issue of political prisoners.

58. She asked whether the Government of Myanmar had acted on that recommendation, whether updated information on the total number of prisoners following the arrest of many peaceful demonstrators had been provided and how the Special Rapporteur intended to take account of those new detentions in his recommendations.

59. Women in Myanmar had been subjected to serious and repeated violations of their rights, including sexual violence in the context of armed conflict and military operations, as well as acts of discrimination. Moreover, they were bearing the brunt of the deterioration of the economic and social situation in the country. She noted that, in his report, the Special Rapporteur had called on the Government of Myanmar to follow up on the recommendations and concluding observations adopted by the Committee on the Elimination of Discrimination against Women. She wondered what additional measures should be taken to facilitate the realization in Myanmar of women's basic rights.

60. **Mr. Poniatowski** (France) associated himself fully with the statement made by Portugal on behalf of

the European Union and reiterated his Government's solidarity with the Burmese people in their peaceful struggle for human rights and democracy. The brutality with which the regime had suppressed its own people had horrified the world and while the number of fatalities and injuries was unknown, it was probably much higher than the official government figure.

61. He thanked the Special Rapporteur for the efforts that he had been making for a number of years to bring about a genuine improvement in the situation of human rights in Myanmar and for briefing the Committee and emphasized the urgent need for the authorities to give a definite response to the requests made by the Security Council on 11 October on the basis, inter alia, of the outcome of the special session of the Human Rights Council held on 2 October. He welcomed the fact that the Government had authorized the Special Rapporteur, ICRC and the Special Envoy of the Secretary-General to visit the country. It was in fact vital to maintain international pressure on the regime in order to encourage it to end the repression and engage in a real political dialogue with all stakeholders, including Aung San Suu Kyi, who should be given freedom of movement.

62. His delegation hoped that the Special Rapporteur would be accorded all necessary cooperation and complete freedom of movement and would be able to meet representatives of civil society, including political prisoners and human rights defenders. It called for the urgent release of all political detainees and the lifting of all restrictions on the peaceful exercise of fundamental freedoms and would remain active on their behalf.

63. Lastly, noting that the Special Rapporteur had stressed in his report the need to provide international technical assistance to the country, he suggested that the High Commissioner for Human Rights might help to define the parameters of such assistance, in cooperation with the Burmese authorities. He asked how his Government could assist the Special Rapporteur following his visit to Myanmar and what the Special Rapporteur expected Member States to do to help the country embark, at the earliest opportunity, on the road to democracy, which, ultimately, was the only road possible.

64. **Mr. Thaung Tun** (Myanmar), speaking on a point of order, asked the Chairman to request speakers to use the official name of his country in their statements. As the item under discussion was human rights, the right of each Member State to choose the name by which it wished to be called should be respected.

65. **Mr. Cabral** (Guinea-Bissau) thanked the Special Rapporteur for finding the right words to describe a situation that was distressing to the international community in more ways than one. The images coming out of Myanmar gave cause for concern and testified to a tragic situation that must be remedied. His delegation hoped that the urgent measures called for by the international community would be taken in the coming weeks.

66. While the Third Committee was not a court, it did expect the Government of Myanmar, as it would any other Government, to be able to respond to its people's appeals and to respect freedom of expression, a basic right that was recognized in the country's Constitution.

67. **Mr. Vigny** (Switzerland) thanked and congratulated the Special Rapporteur, whose mandate was absolutely essential and must be maintained. He hoped that the Myanmar authorities would cooperate with the Special Rapporteur on his forthcoming visit.

68. Recalling the many arrests made after the latest demonstrations and the reports of deplorable conditions of detention and ill-treatment inflicted on persons in preventive detention in Myanmar, he said that his Government wished to know what measures the Special Rapporteur would propose to the national authorities in that regard on his forthcoming visit.

69. **Ms. Lowe** (New Zealand) thanked the Special Rapporteur for his report and the fresh information that he had just presented. Her delegation had sponsored the Human Rights Council resolution calling for a special session on Myanmar and had supported the final resolution of the special session, requesting the Special Rapporteur to visit Myanmar and to report to the Council at its next session.

70. Noting that the Government of Myanmar had authorized the Special Rapporteur and the Secretary-General's Special Envoy for Myanmar, Mr. Ibrahim Gambari, to visit the country, she hoped that the decision signalled the Government's willingness to cooperate with the international community. In his report, the Special Envoy had made specific recommendations to the Government of Myanmar with

a view to ending the tensions and the serious and flagrant human rights violations against the population.

71. **Mr. Shinyo** (Japan) thanked the Special Rapporteur for his presentation and his tireless efforts to carry out his mandate and expressed support for his mission and activities. He was pleased that the Government of Myanmar had authorized the Special Rapporteur to visit the country and would follow the mission's progress closely.

72. He strongly deplored the decision of the Government of Myanmar to use force against peaceful demonstrators, which had resulted inter alia in the death of a Japanese citizen. He hoped that the Government would accept and implement in good faith the provisions of the resolution adopted unanimously by the Human Rights Council at its special session on 2 October and the statement issued by the President of the Security Council on 11 October.

73. He asked the Special Rapporteur what impact the work of the National Convention on the drafting of a new constitution, which had concluded in September 2007, and the measures taken by the Government of Myanmar against peaceful demonstrators had had on the human rights situation and democratization in Myanmar. While recognizing that human rights were an indivisible whole, he asked what issues the Special Rapporteur would emphasize on his forthcoming visit.

74. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar) noted that the announcement of his forthcoming visit to Myanmar was very recent and that the dates would be set in consultation with the Government of Myanmar and the Secretary-General.

75. Concerning the number of political prisoners, he could not give a precise figure but, according to some reports, 2,677 individuals detained during the latest crisis had been released and further releases were expected. He would probably have more accurate information after his visit.

76. With regard to women, the Government of Myanmar had submitted a report to the Committee on the Elimination of Discrimination against Women. It was essential that women's rights should be protected under the new Constitution and that humanitarian assistance should be gender-specific.

77. Replying to the questions by the representatives of France and Switzerland concerning conditions of detention, he noted that the visits that ICRC had been making for years were already benefiting both the Government and detainees and that the contacts between the Government and ICRC were constructive. He hoped that ICRC would be able to resume its visits to prisoners of conscience. Replying to the question by the representative of France as to the form that his Government's assistance should take, he said that the most effective action that both France and the other members of the Security Council could take was to continue to do what they had been doing for the past 10 months, in order to facilitate the transition process in Myanmar.

78. Replying to the representative of Guinea-Bissau, he expressed the hope that the Government of Myanmar would soon recognize that freedom of expression and freedom of association were essential for the transition to democracy.

79. Replying to the representative of New Zealand, he pointed out that he was only just beginning the preparations for his visit to Myanmar, in cooperation with the High Commissioner for Human Rights, various colleagues and the Myanmar authorities. On previous occasions, he had enjoyed the full cooperation of the authorities.

80. Replying to the representative of Japan, he said that his visits had a very specific goal. He wanted to be able to give the Human Rights Council a clear, objective and detailed picture of the crisis after hearing from both the protesters and the Government.

81. His reports always took the Government's views more fully into account when he was able to visit the country. He did not condemn the work of the National Convention but rather, like the Secretary-General and his predecessor, felt that it should encompass a broader range of views. Lastly, it was his understanding that, in Chinese, the word "crisis" meant "opportunity". He was convinced that all crises opened up opportunities.

82. **Ms. Patscher** (Germany), associating herself with the statement made by the representative of Portugal on behalf of the European Union, noted that the Special Rapporteur's report mentioned freedom of the press, freedom of expression, freedom of assembly and freedom of association. Given that both the people of Myanmar and the international community were obtaining their information on the situation in the country from sources that were banned by the authorities, she asked what could be done to ensure

access to those media for the inhabitants of Myanmar and to persuade the authorities to stop censoring and banning them. Noting that forced labour was still practised, she requested information on cooperation between ILO and the Myanmar authorities in that regard and on the number of successful complaints.

83. **Ms. Yarlett** (Australia) welcomed the Special Rapporteur's forthcoming visit to Myanmar and urged the Government to lend him its full cooperation. She was appalled by the recent repression of peaceful demonstrations and concerned that many people had been arrested. She called for their release and asked how the international community could encourage the Government to improve the treatment of detainees.

84. **Ms. Mireau** (Canada) welcomed the Special Rapporteur's efforts to carry out his mandate in difficult conditions and his forthcoming visit to Burma, and asked how countries of the region and the rest of the international community could assist him.

85. **Mr. Thaung Tun** (Myanmar), speaking on a point of order, said he believed that the representative of Canada had been in the room when he had requested that his country be called by its official name.

86. **Mr. Rees** (United States of America) said that his delegation welcomed the report, which detailed the repression, discrimination, human rights violations and brutality inflicted by the regime and the effects of those abuses on flows of refugees and displaced persons. He welcomed the news that the authorities had agreed to allow the Special Rapporteur to visit the country shortly and hoped that he would have an unfettered opportunity to investigate human rights violations. The work of the Secretary-General's Special Envoy, Mr. Ibrahim Gambari, was essential to the reconciliation and democratic transition process. His delegation would like to know how the Special Envoy, whose immediate return to Burma it hoped the authorities would facilitate, and the Special Rapporteur were coordinating their work and supporting each other's mandates.

87. Since the release of all political prisoners was essential to the democratic transition process, he hoped that the Special Rapporteur's visit would give him an opportunity to investigate their situation and to press for their unconditional release and for humanitarian access to them. His delegation was concerned that the Special Rapporteur had requested the phased release of prisoners, which might encourage the authorities to delay. The Special Rapporteur's thoughts on that possibility would be appreciated.

88. His Government would continue to work with the international community to address the threat posed by the current political situation, not just to the people of Burma but also to the peace and security of the region.

89. **Ms. Ribeiro Viotti** (Brazil) said that dialogue and cooperation were the best means of protecting human rights. She welcomed the Special Rapporteur's forthcoming visit to Myanmar and hoped that it would enable him to carry out his mandate and to improve the human rights situation there.

90. **Mr. Ke** Yousheng (China) welcomed the fact that the Government of Myanmar had decided to invite the Special Rapporteur to visit the country and hoped that his mission would meet with full success. His Government was closely following developments and the efforts of the international community and the Government of Myanmar to improve the situation and noted that things had in fact recently begun to return to normal. He hoped that the Special Envoy's return to Myanmar, the assistance of the international community and the Special Rapporteur's visit would help to set the country on the road to democracy, but in the end that was for the people and Government of Myanmar to decide. He wished to point out, however, that in Chinese "crisis" did not mean "opportunity".

91. *Mr. Gibbons (Ireland), Vice-Chairman, took the Chair.*

92. **Mr. Thaung Tun** (Myanmar), speaking on a point of order, said that since 1999 the official name of his country had been Myanmar. Neighbouring countries had always known it by that name. It was not a political appellation but an integrationist one, the country being composed of more than 100 nationalities. The term "Burma" referred only to the largest group.

93. **Mr. Pinheiro** (Special Rapporteur on the situation of human rights in Myanmar) said that he had forgotten to mention that one of the paragraphs of the 2 October 2007 resolution of the Human Rights Council encouraged the Government of Myanmar and the High Commissioner for Human Rights to engage in a dialogue. He was sure that the High Commissioner would cooperate.

94. Replying to the representative of Japan on the question of the indivisibility of human rights, he said

that whenever civil and political rights came up it was necessary to address economic and social rights at the same time: the recent crisis in Myanmar constituted a good example of that fact.

95. Replying to the question by the representative of Germany concerning news media and information technologies, he said that he hoped to be able to convince the Government of Myanmar of the opportunities offered by the Internet. Transparency was vital and it was in countries' own interest that Internet access should not be banned. On the issue of forced labour, a constructive dialogue had been engaged between ILO and the Government, but he could not specify the number of complaints that had been successful.

96. Responding to the representative of Australia, he said that it was the responsibility of the authorities to guarantee prisoners good conditions of detention and he reiterated that ICRC visits were the best possible solution for both prisoners and the Government.

97. Responding to the statement by the representative of Canada, he said that the best way to facilitate his work was to continue along current lines and to ensure an international humanitarian presence on the ground in order to provide communities with the means to take charge of their own lives.

98. Replying to the representative of Brazil, he said that he welcomed the invitation to return to Myanmar.

99. He thanked the representative of China for showing tolerance with regard to his knowledge of Chinese.

100. **Ms. Abdelhak** (Algeria), speaking in exercise of the right of reply, said that in putting a question to the High Commissioner for Human Rights at the Committee's 22nd meeting, she had not intended to politicize the issue of human rights in any way. Citing three reports whose treatment might appear contradictory, namely, those on Nepal, Uganda and Western Sahara, she had simply wanted to clarify the criteria on which the High Commissioner based her decisions to issue and present reports, in order to save the Committee from spending time on the same issues in the future. She therefore regretted that the representative of Morocco had given a political twist to what had been a technical question. Her delegation had no objection to publication of the High Commissioner's report on the visits to the occupied territory of Western Sahara and to the Tindouf camp.

101. **Mr. Mohamed** (Sudan), speaking in exercise of the right of reply, noted that the statement made by the representative of Portugal on behalf of the European Union at the 22nd meeting, had been redolent of the colonialism which the Sudan had suffered for far too long and with the legacy of which the Sudan, like other countries, had to contend. Referring to Guantánamo Bay and Abu Ghraib, he said that the representative of Portugal should have spoken about the human rights of the migrants who came to Europe from other continents, and of prisoners held in European countries that considered themselves to be the liberators of humankind.

102. His Government's cooperation with regard to Darfur was excellent. It was working with the African Union and the Libyan Arab Jamahiriya towards ending the conflict and hoped that the European Union would be a partner in that process. Politicization and scorn did not solve problems, but dialogue could, which was why preparations were being made for the Special Rapporteur to visit the Sudan.

103. **Mr. Abass** (Iraq), speaking in exercise of the right of reply, said that his Government shared the concerns expressed by the representative of Portugal on behalf of the European Union, at the 22nd meeting, under agenda item 70. The situation of human rights in Iraq and the situation of Iraqi refugees, as well as the deterioration of the humanitarian situation owing to terrorism and militia and criminal activity, were indeed worrying. His Government had been working hard to create conditions for the return of refugees and internally displaced persons and was already making some progress, but it needed contributions from friendly countries and from international organizations, which must assist both the refugees and their host countries, as the Iraqi Government was doing. As the Secretary-General had indicated in his recent report to the Security Council (S/2007/608), the cooperation of the Iraqi Government and the authorities of Iraqi Kurdistan with United Nations human rights officials was improving.

104. His Government's invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment demonstrated that it was determined to improve the human rights situation in Iraq and to fight against impunity.

The meeting rose at 6.15 p.m.

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Chairman: Mr. Gibbons (Vice-Chairman) .... (Ireland)

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07-56348 (E)

In the absence of Mr. Wolfe (Jamaica), Mr. Gibbons (Ireland), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36, 369 and 464)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/62/183, A/62/207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286, 287, 288, 289, 293, 298, 304, 317; A/C.3/62/3)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/62/213, 223, 263, 264, 275, 313, 318, 354 and 498)

(e) **Convention on the Rights of Persons with Disabilities** (*continued*) (A/62/230)

1. **Mr. Hunt** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health), introducing his report (A/62/214), noted that, regrettably, there was not a single human rights mechanism that focused on the immense problem of preventable maternal deaths, the scale of which dwarfed the numbers of disappearances and other violations of the right to life. Since he had raised that issue at the sixty-first session, the United Nations Population Fund (UNFPA), the European Union and the University of Essex had produced a publication focusing on maternal mortality from a right-to-health perspective. "Women Deliver", the high-level global conference on maternal health held recently in London, had seen the launch of a new international initiative on maternal mortality and human rights. Driven by civil society, that initiative aimed to use human rights to reinforce existing efforts to reduce maternal mortality and to promote functioning health systems. It also aimed to encourage maternal health workers to use human rights analysis, advocacy and networks to further their goals. It was a challenge to both developed and developing countries. Not only did developed countries often have higher maternal mortality rates among their minorities and indigenous communities, but they had a human rights responsibility to take reasonable measures to address maternal mortality in developing countries.

2. The Government of India had invited him to undertake a formal mission to that country in November 2007 to study the practical contribution that the right to health could make in the struggle against preventable maternal deaths. Much more needed to be done, however, to ensure that maternal mortality received the human rights attention it deserved and the Human Rights Council could play a leadership role in that regard. He recommended that the Council should convene a special session on maternal mortality, at which key United Nations agencies could be invited to offer their insights and expertise and States could share their good practices. That would be an opportunity to tell the world that preventable maternal mortality was a very serious human rights issue and that human rights had a practical contribution to make.

3. Unfortunately, there was a tendency among some Governments and international organizations to devote a disproportionate amount of attention and resources to medical care, at the expense of the underlying determinants of health, when both were fundamental, interrelated elements of the right to the highest attainable standard of health. Section IV of his report focused on two such determinants: access to safe water and adequate sanitation. In addition to saving millions of lives and reducing terrible suffering, such access could bring substantial economic benefits. According to the World Health Organization (WHO), each dollar invested would yield an economic return of between $3 and $34, depending on the region. Analysing the issue from the standpoint of the right to the highest attainable standard of health, his report concluded that many States did not have adequate water and sanitation policies, programmes and laws and had yet to put in place effective monitoring and accountability mechanisms in relation to water and sanitation. Measures to enhance access to safe water and sanitation must give particular attention to disadvantaged groups and individuals and must also be gender-sensitive. Large-scale public awareness health campaigns were needed to provide information on hygiene and safe water storage.

4. Global warming had led to a decline in dependable access to water, the disruption of natural ecosystems and an increase in the population of tropical disease vectors. As clean water sources evaporated, people resorted to polluted alternatives that led to ill health. Poor people were disproportionately affected. The international community had a duty to

recognize and confront the health threats posed by global warming and he recommended that the Human Rights Council should undertake, as soon as possible, a study on the impact of climate change on human rights, including the right to the highest attainable standard of health.

5. From the right-to-health perspective, an impact assessment methodology was a key feature of a health system. Without it, a Government could not know whether its proposed initiatives were on target progressively to achieve the right to the highest attainable standard of health. A study that he had co-authored on that topic in 2006 was outlined in Section III of his report.

6. The introduction of basic public health measures would significantly reduce the burden of several neglected diseases for which the development of new drugs and vaccines was underfunded. In 2006, he had undertaken a formal mission to Uganda, in cooperation with WHO, to look into the issue. Although the resulting report (E.CN.4/2006/48/Add.2) focused on Uganda, much of its analysis and many of its recommendations were applicable to the many States whose populations suffered from neglected diseases. A study entitled *Neglected Diseases: A Human Rights Analysis*, of which he was a co-author, had recently been published by the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP)/World Bank/WHO Special Programme for Research and Training in Tropical Diseases. When read together, that study and his report on Uganda provided a practical introduction to neglected diseases and human rights and showed that the right to the highest attainable standard of health was not mere rhetoric, but a practical tool that could contribute to good policymaking.

7. Following his interactive dialogue with the Committee at the sixty-first session, he had prepared a set of draft human rights guidelines for pharmaceutical companies in relation to access to medicines, which would be available for public comment until 31 December 2007 and which he aimed to finalize in 2008. He was actively canvassing the views of stakeholders, including pharmaceutical companies, on the draft guidelines, which did not proceed on the basis that pharmaceutical companies were legally bound by international human rights law and thus avoided the most controversial doctrinal issues that had plagued debates about business corporations and human rights for many years. Since his appointment in 2002, he had had the opportunity to discuss with pharmaceutical companies the issues that formed the core of the draft guidelines. In a series of substantive meetings with a number of major pharmaceutical companies, he and Ms. Mary Robinson had put forward a two-phase proposal, which had been discussed at length with those companies and revised to accommodate some of their concerns. Under that proposal, a small group of human rights experts would have worked with representatives of pharmaceutical companies to identify common ground as well as good faith disagreements in relation to access to medicines. That would have resulted in a report that could be used to evaluate the policies and practices of certain pharmaceutical companies; such evaluations would then have been made public. While two companies, Novartis and NovoNordisk, had been willing to go along with the proposal, the majority of companies had not. Since the aim had been a collaborative initiative among a range of major pharmaceutical companies, the proposal had had to be shelved. He hoped that the draft guidelines would clarify what could reasonably be expected of pharmaceutical companies in relation to access to medicines and the right to the highest attainable standard of health. He had sole responsibility for the draft and the final version. Since States had primary responsibility for enhancing access to medicines, he hoped, resources permitting, to prepare draft guidelines for States in that regard, in cooperation with treaty bodies and other experts.

8. **Mr. Alakhder** (Libyan Arab Jamahiriya) asked whether the draft human rights guidelines for pharmaceutical companies would be legally binding in terms of access to medicines and why most pharmaceutical companies had been unwilling to go along with the proposed collaborative initiative.

9. **Mr. Moreira** (Brazil) asked how States could contribute to the drafting of the guidelines and how human rights could contribute to good policymaking in the area of neglected diseases, which was a major issue for developing countries.

10. **Ms. Tavares da Silva** (Portugal), speaking on behalf of the European Union, asked the Special Rapporteur whether he believed that treaty monitoring bodies were in a position to provide guidance to States on the prioritization of health interventions and respect for human rights and, if so, how they should do so. In a case such as *Soobramoney vs. Minister of Health,*

examined by the Constitutional Court of South Africa and mentioned in the Special Rapporteur's report, was it not highly likely that any assessment by a treaty body would be necessarily vague on such a delicate matter? Lastly, she would like to know how Governments could be encouraged to follow a rights-based approach to impact assessments and policymaking in relation to the right to the highest attainable standard of health.

11. **Ms. Pérez Álvarez** (Cuba) asked the Special Rapporteur to clarify the statement in his report that donor countries should ensure that their policies and programmes accorded with the national priorities of recipient countries. Did that mean that donor countries should support access to patent-protected medicines for recipient countries?

12. **Ms. Sutikno** (Indonesia) said that the integration of the right to health into national and international policymaking required further discussion, since there was no one-size-fits-all solution. She asked whether there were plans to distribute and discuss the Special Rapporteur's report on impact assessments more widely, not only at expert level but also through an intergovernmental process. She wondered how it was possible to ensure that human rights impact assessments were sensitive to cultural and religious values and practices and to countries' level of development.

13. **Mr. Hunt** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health), responding to the Libyan representative, said that the finalized guidelines would not be legally binding, although, he hoped that they would be persuasive, would have sufficient credibility to be influential and would be useful to pharmaceutical companies, States and international organizations in formulating programmes and policies that respected the right to health. With regard to pharmaceutical companies' unwillingness to support the initiative proposed by himself and Ms. Robinson, he could not speak for those companies but stressed that he and Ms. Robinson had worked hard to frame a constructive, collaborative proposal that took account of companies' concerns. Those companies must not exercise a de facto power of veto over such initiatives and, if they could not be carried out collaboratively, other solutions must be found.

14. Responding to the representative of Brazil, he said that States had an important role to play in the drafting of the guidelines. In that connection, he expressed appreciation to the delegation of Brazil for having proposed the holding of lunchtime consultations and encouraged other States to follow suit. If, as he anticipated, the pharmaceutical sector did not welcome the draft guidelines, States would have to signal their broad political support if they wanted the drafting of the guidelines to be pursued. With regard to neglected diseases, he noted that his 2006 report on Uganda had relevance for all countries affected by such diseases. Together with *Neglected Diseases: A Human Rights Analysis*, that report showed how human rights could contribute to good policymaking on neglected diseases. When the right-to-health analytical framework was used, it provided guidance on appropriate policy initiatives and underscored the importance of effective monitoring and accountability in relation to neglected diseases.

15. Turning to the comments made by the representative of Portugal on behalf of the European Union, he said that more work needed to be done on the prioritization of health interventions and respect for the right to health. He hoped that treaty bodies would look more carefully at the issue than they had done in the past and would provide guidance to Governments in the form of concluding observations, general recommendations and general comments. With regard to *Soobramoney vs. Minister of Health*, he believed that treaty bodies were well equipped to make decisions such as that made by the Constitutional Court of South Africa in that case. He did not see any reason why a treaty body such as the Committee on Economic, Social and Cultural Rights should not weigh such considerations. Right-to-health impact assessments were extremely important and States had a duty to reflect on the impact that a proposed policy would have on the right to health before introducing it. There had to be a scientific, objective means of determining the likely impact of a policy on poor people's right to health. Until recently, however, States had not had access to an appropriate methodology.

16. Responding to the representative of Cuba, he said that he hoped that donor and recipient countries alike would support the draft human rights guidelines for pharmaceutical companies in relation to access to medicines. He had been inspired by the work of some donor agencies, such as the United Kingdom's

Department for International Development (DFID), which had produced useful documentation on access to medicines. He concurred with the representative of Indonesia that there was no one-size-fits-all solution. Prioritization required further study and he hoped that States would consider hosting a seminar on that difficult issue. The right to health should be integrated into existing impact assessment methodologies. When designing such assessments, it was important to take local contexts and cultural issues into account.

17. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her delegation welcomed the draft human rights guidelines for pharmaceutical companies on access to medicines. She would like to hear the Special Rapporteur's views on health insurance companies that excluded persons with disabilities and chronic diseases and to suggest that guidelines for health insurance companies should be drafted.

18. **Mr. Ke** Yousheng (China) said that while States had primary responsibility for ensuring the right to the highest attainable standard of health, they often faced economic or social obstacles to doing so. He would appreciate more information on the role of international cooperation in overcoming those obstacles. He regretted that the proposal for collaboration between human rights experts and representatives of pharmaceutical companies had had to be shelved and asked what could be done to involve those companies and States in a collaborative process.

19. **Ms. Matlhako** (South Africa) said that her delegation had a great interest in the outcome of the negotiations on the draft guidelines and looked forward to working with the Special Representative in the Human Rights Council.

20. **Mr. Hunt** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that he did not intend to draft guidelines for health insurance companies, although he noted the proposal with interest. Concerning international assistance and cooperation, he said that developing countries faced many obstacles to ensuring the attainment of the right to health. Donor countries' responsibilities in that area were considerable, as almost all his reports showed. He shared China's regret at the shelving of the proposal for cooperation with pharmaceutical companies, but was actively seeking input from those companies to future discussions on the draft guidelines and hoped that States would also be closely involved in that process.

21. **Mr. Ziegler** (Special Rapporteur on the right to food), introducing his report (A/62/289), defined the right to food as the right to have regular, permanent and unrestricted access to adequate and sufficient food that corresponded to cultural traditions and ensured a fulfilling and dignified life. That right was increasingly denied to millions of people and thousands died of hunger every day, yet the world produced enough to feed everyone.

22. Every year, millions of people attempting to escape hunger tried to enter the European Union. Although there were no precise data on the number of people drowned, thousands were believed to have disappeared each month while seeking to reach the Canary Islands from Mauritania or Senegal or to cross the Straits of Gibraltar from Morocco. Tens of thousands of African migrants had reached Spain, Greece, Italy and Malta in recent years. However, those who succeeded in reaching European territory had no legal protection, as the Convention relating to the Status of Refugees limited the obligation of States to providing international protection to those whose life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion if they returned home. Refugees from hunger did not fall into any of those categories, but hunger had increased at a frightening rate in Africa over the past 30 years.

23. He therefore called for recognition of the right of non-refoulement, with temporary protection, for refugees from hunger. Such refugees were in an identifiable state of necessity and should not be considered economic refugees. Just as ambulances were often obliged to exceed speed limits to save lives, refugees from hunger were forced to cross borders unlawfully in order to ensure their survival. General Assembly resolution 60/251 gave the Human Rights Council a mandate to establish new international legal standards, where necessary, and there was a need to establish a human right to temporary non-refoulement. That would enable States to send refugees from hunger back to their countries of origin once the situation in those countries had changed.

24. The European Union's policies towards Africa were hypocritical and cynical. Aided by European export subsidies, it was dumping its agricultural

produce in Africa. The hundreds of billions of euros spent on agricultural subsidies meant that European fruit, vegetables and other produce could be purchased for half the price of their African equivalents, with ruinous consequences for African agriculture, on which a majority of African economies were almost exclusively dependent. It was virtually impossible for African Governments to guarantee a minimum level of subsistence for their farmers. He was especially concerned about the terms of agreements currently being negotiated by the European Union under new economic partnership arrangements with the African, Caribbean and Pacific countries; those terms were tantamount to blackmail. The World Trade Organization (WTO) was forcing the European Union to liberalize its relations with those countries, but efforts must be made to overcome the asymmetrical terms of the Cotonou Agreement .

25. He was also gravely concerned about the increase in biofuel production, which would seriously exacerbate hunger if it continued at current levels. Regardless of the environmental, economic and political gains to be derived from such fuels, the threat posed to food security outweighed the benefits; the very survival of humanity was at stake. Biofuel production had caused the price of maize to rise sharply throughout the world, yet the maize required to produce enough fuel to fill a 50-litre petrol tank was enough to feed a child for an entire year. Thirty-one African countries could not produce enough food to feed themselves and some could no longer afford to import at market prices the thousands of tonnes of food needed to feed their populations. The World Food Programme (WFP) had provided direct food aid to some 91 million people in 2006, of which the United States Government had contributed 62 per cent, but that Government was reportedly halving its contribution for 2007 because of the rise in food crop prices. The sharp increase in food prices meant that tens of thousands more people would die in places such as Darfur and the Horn of Africa. To turn nourishing plants into ethanol under the current circumstances was a crime against humanity and he called for a five-year moratorium on biofuel production to allow time for the adoption of technologies that respected the right to adequate food. Such technologies included the use of agricultural waste and non-food crops for biofuel. One such crop was Jatropha Curcas, a shrub that could be grown in arid regions and was found in, inter alia, India and Brazil. Regardless of the huge economic stakes in biofuel production, the international community must act when the right to food was violated.

26. **Ms. Tavares da Silva** (Portugal), speaking on behalf of the European Union, asked what specific measures could be taken to alleviate the plight of the millions of children currently affected by hunger. She would like to have further details of the important measures adopted by some Governments in that regard, including in the Horn of Africa and Latin America, and to know whether they could be replicated by other States facing similar situations. More information was needed on the ways in which States and corporations could cooperate in preventing the rise in biofuel production from increasing world hunger.

27. **Ms. Pérez Álvarez** (Cuba) requested further details of the positive developments in various countries referred to in the report and more information on the shortage of funding that was preventing WFP from carrying out its programmes, particularly in southern Africa, and on what could be done to ensure that resources went to that region. She would also like to hear more details of the impact of international economic agreements on the right to food.

28. **Ms. Ribeiro Viotti** (Brazil) said that fighting hunger and poverty was one of her Government's national and international priorities. She felt that the Special Rapporteur's report could have dealt at greater length with the direct relationship between trade and the right to food and with the urgent need for completion of the Doha Development Round. The report dealt extensively with the impact of biofuel production on the right to food, but it was difficult to see why the use of a clean, renewable energy source affected that right. The development of such a source could substantially increase the incomes of rural families, thereby improving living standards in rural areas. That had been the case in Brazil, where the cultivation of biofuel crops had proved to be fully compatible with the priority objective of increasing the production of food staples and ensuring food security. Her delegation could provide the relevant evidence and information in that regard.

29. **Mr. Neble** (Burkina Faso) pointed out that cotton subsidies in developed countries had as devastating an impact as food crop subsidies on developing countries such as his own. For some developing countries,

especially those where cotton was the sole agricultural product, cotton subsidies were a catastrophe.

30. **Mr. Akindele** (Nigeria) said that his Government had made progress with regard to food production, particularly through the cultivation of cassava and gari. Some of the cassava produced in Nigeria went into ethanol production, however, and imposing a moratorium on biofuel production would be like administering the same medicine to basically different cases.

31. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that given its policy of actively pursuing food self-sufficiency, her Government completely rejected the idea of growing food crops to produce biofuels. Aside from depriving people of food, such a step would hand over control of land to big industrial corporations and expose consumers to considerable risks. She wondered whether the Special Rapporteur could elaborate on his idea of a binding international legal instrument for protecting people from hunger and ensuring that migrants fleeing in search of food were not turned back. How would such a right for refugees from hunger fit in with the obligations under the International Covenant on Economic, Social and Cultural Rights and with the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR)?

32. **Mr. Suarez** (Colombia) said that biofuel production, far from endangering food production and agricultural livelihoods in Colombia, had generated considerable agricultural employment and provided an alternative to illegal crops. Biofuel production formed part of the Government's sustainable development and poverty reduction policies. The information in the Special Rapporteur's report should be verified further and the advisability of a moratorium on biofuels analysed fully.

33. **Ms. Matlhako** (South Africa) said that the task of developing international legal norms on refugees from hunger would be challenging and she wondered what it would entail.

34. **Mr. Vigny** (Switzerland), noting that biofuels were an alternative clean source of energy, created jobs, especially in developing countries, and could help resolve trade issues, asked how consistency could be achieved among economic, environmental and human rights policies and what criteria would be used in developing legal norms with regard to the right to food.

35. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that he wished to set the record straight with regard to statements made in the report. With the exception of a few criminals, people caught attempting to cross the border to China to visit relatives or for other reasons were simply given corrective instructions and sent home. They were not subjected to ill-treatment or degrading treatment.

36. **Mr. Alakhder** (Libyan Arab Jamahiriya) praised the Special Rapporteur for focusing on people who were starving, especially in Africa, and asked what could be done about the wealthy countries that burned huge quantities of food in order to raise prices while millions of children in the developing world had nothing to eat. He was also concerned about the negative impact of genetically modified food crops on health.

37. **Mr. Kanaan** (Observer for Palestine) said that the food and health situation in the occupied Palestinian territory, including East Jerusalem, had become catastrophic as a result of the strangulation policies implemented by the Government of Israel. Over 75 per cent of the population of the Gaza Strip were currently dependent on food aid. He asked what the legal implications were for an occupying Power when it denied the occupied people access to food and what responsibility the United Nations and the international community had to guarantee that people's right to food.

38. **Ms. Sutikno** (Indonesia) agreed that all States should ensure that their international economic policies, including trade agreements, did not have an adverse effect on the right to food and that people fleeing from hunger should be adequately protected. Given the complex and often protracted process of developing new international legal instruments, a minimum set of principles should be applied for the time being to ensure such protection.

39. A five-year moratorium was not the best way of addressing the issue of biofuel production. The Special Rapporteur had overlooked a number of important elements. Biofuels were necessary not only because of climate change but also because the steady increase in fossil fuel prices was affecting development efforts. Moreover, biofuel development could be designed in a way that was conducive to poverty eradication, as had been the case in Indonesia. Lastly, fuel-crop cultivation was compatible with food production. Her delegation

encouraged the Special Rapporteur to take those elements into consideration.

40. **Mr. Ke Yousheng** (China), noting that poverty had been considerably reduced in his country, asked what role the Special Rapporteur could play in the current Doha Development Round negotiations.

41. **Ms. Hubert** (Norway), referring to the FAO Voluntary Guidelines on the right to food, aimed at eradicating hunger in the context of the Millennium Development Goals, wondered whether the Guidelines were sufficiently integrated into poverty reduction efforts and, if not, what could be done to enhance their integration.

42. **Mr. Loizaga** (Paraguay) expressed reservations at the Special Rapporteur's recommendations regarding biofuels. Landlocked countries were vulnerable to fluctuations in the price of imported fuels and his Government was implementing a biofuel programme for import-substitution purposes. His delegation therefore did not support the proposal for a moratorium on the production of biofuel crops.

43. **Mr. Guillén** (Peru) suggested that the relationship between indigenous peoples and the right to food and should be examined more closely, because those peoples were largely engaged in agricultural production and directly concerned by environmental conservation.

44. **Mr. Ziegler** (Special Rapporteur on the right to food), replying to the representative of Portugal, said that the most pressing measure was to implement the decisions taken at the Sixth WTO Ministerial Conference, held in Hong Kong in December 2005, at which the industrialized countries had agreed to abolish export subsidies and to refrain from dumping. The Doha Development Round was currently stalled and dumping continued. The French Government, for instance, was refusing to eliminate export subsidies for electoral reasons. As a result, the right to food was being violated. With regard to biofuels, the appropriate course of action for multinationals was to obey the State.

45. Thanking the Government of Cuba for its solidarity, he said that the greatest progress in relation to the right to food was taking place in Latin America. In Brazil, the Landless Workers' Movement had spearheaded civil society activities against biofuel production, which was supported by Brazil's President, one of the movement's founders. Confirming the statement made by the representative of Burkina Faso concerning cotton subsidies, he noted that subsidized United States cotton invaded the world market, ruining the prospects for cotton exports from Mali and Burkina Faso. He congratulated the Government of Burkina Faso for not having signed the trade agreements that the European Union had sought to impose on it and praised the Government of Nigeria for its great strides in food production and for having set an example by achieving food self-sufficiency instead of purchasing food with part of its considerable oil revenues.

46. The measures taken by the Venezuelan Government, in relation to the right to food showed how quickly results could be achieved. Replying to the representative of Colombia, he said that his team had meticulously checked the information used in the report. The Colombian Church had spearheaded courageous opposition to the mass evictions of Colombian peasants carried out by paramilitary organizations in order to provide multinationals with land for bioethanol production. Replying to the representative of South Africa, he said that, under current law, a refugee who entered the European Union in order to escape from hunger did so illegally. International law should provide for the right of such refugees to temporary non-refoulement. Replying to the representative of Switzerland, he pointed out that inconsistency stemmed from contradictory State policies. The same countries that promoted various rights through such agencies as the Food and Agriculture Organization of the United Nations (FAO) and UNICEF were also members of WTO and the International Monetary Fund (IMF), which promoted structural readjustment policies.

47. Noting the comments made by the representative of the Democratic People's Republic of Korea, he said that it would have been simpler if the Government of that country had allowed him to visit in order to observe the situation at first hand. His report stated that thousands of people had been fleeing famine and food shortages in the Democratic People's Republic of Korea by crossing the border illegally into China. He agreed that illegal migration should be curbed. The proposed legal instrument for the protection of refugees from hunger, including provisions on the right of non-refoulement, would provide an appropriate framework for dealing with such situations.

48. Responding to the comment on genetically modified food crops made by the Libyan representative, he said that quite apart from objecting to genetic engineering on the grounds of its possible health risks, he believed that technology and its subsequent copyright protection could create a form of financial dependence that would prevent poor farmers from having access to products that were vital to their food security.

49. He shared the views of the Observer for Palestine concerning the effects of the Israeli occupation and the confinement of the Palestinian population in the Gaza Strip and paid tribute to the courageous efforts of Palestinian and Israeli non-governmental organizations that were working side by side to address Palestinians' needs.

50. Responding to the representatives of Indonesia, China and Norway, he agreed with Indonesia that rising oil prices had had a major impact on a large number of countries, but emphasized that the use of agro- or biofuels was not an appropriate solution. He noted that China had made formidable strides in its development in recent decades, especially in terms of food self-sufficiency. His comments on subsidy prices had been made from the viewpoint of a scholar and there might be others more qualified to pursue that discussion. Commending Norway's contribution to food sovereignty through its international cooperation policy, he said that the FAO Voluntary Guidelines had proved useful to the efforts of various States.

51. Responding to the representative of Paraguay, he agreed that high oil prices had the greatest impact on the poorest populations but noted that agrofuel production had resulted in a drastic increase in prices for wheat, maize and other food staples, thereby exacerbating the plight of the poor. He wished to make a distinction between situational and structural hunger; the latter was attributable to the unaffordability of foodstuffs.

52. In conclusion, he thanked delegations for supporting him during his mandate, which was due to expire shortly, and stressed that his successor should be allowed to exercise his or her mandate freely.

53. **Mr. Mudho** (Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights), introducing his report (A/62/212), recalled that the Commission on Human Rights had entrusted him with drafting guidelines for use by States and public, national and international financial institutions in decision-making on and the execution of debt repayments and structural reform programmes, in order to ensure that compliance with foreign debt commitments did not undermine the realization of economic, social and cultural rights as provided for in international human rights instruments. The draft guidelines, which would be considered by the Human Rights Council in December 2007, were based on country visits and exchanges of views with various stakeholders. Most recently, in July 2007, he had held consultations with human rights and other technical experts and with representatives of Member States, international financial institutions, civil society and relevant United Nations agencies.

54. The draft guidelines acknowledged the obligation of States to take steps individually, within their available resources, and jointly, through international assistance and cooperation, aimed at the progressive realization of economic, social and cultural rights. They sought to provide a framework for designing economic reform and debt management policies that respected human rights obligations. They encouraged States to elaborate their own context-specific standards, benchmarks and indicators in order to formulate quantified policy measures that would not undermine minimum human rights standards.

55. On the issue of foreign debt, the guidelines suggested that the current debt sustainability formula used by international financial institutions should be improved in order to take adequate account of the impact of debt service on a country's capacity to fulfil its human rights obligations. Debt relief programmes should provide additional fiscal space to ensure that human rights standards were respected, but should not result in a reduction in international development aid. Creditors and borrowers had a shared responsibility with regard to new loans and debt sustainability and should assess the economic and social impact of debt service obligations before entering into new loan agreements. Both parties should monitor the performance of each loan and be able to review loan conditions. The negotiation and implementation of loan agreements should be transparent and open to public scrutiny, including the participation of civil society and State legislatures. The international community should also agree on common lending principles, especially in cases of potentially unsustainable debt situations. Those principles should include debt relief, debt

swapping and a shift to highly concessional loans and grants, particularly in absorbing external shocks. A debt sustainability analysis framework that was based on human rights principles should be used to estimate the minimum share of development assistance required. Current debt management practices also required some innovations.

56. With regard to economic reform, the draft guidelines called for economic, social and cultural rights impact assessments to be carried out as part of a broader poverty reduction strategy. They also identified several thematic areas of economic reform policy, such as macroeconomic stabilization, trade liberalization, social sector reform, privatization and governance. He noted that macroeconomic stabilization measures could contribute to poverty reduction, but could also undermine efforts to achieve full human rights. For instance, unless social programmes were protected from cuts, the rights of vulnerable groups would suffer.

57. Human rights obligations should play a major role during trade negotiation processes. Any trade liberalization decision should be based on an assessment of its impact on domestic economic sectors, potential government revenue and employment. Where necessary, trade agreements should include adequate aid packages to strengthen domestic competitiveness and provide safety nets. The draft guidelines also recommended that due consideration should be given to the issues of user fees and subsidies in the implementation of social sector reforms, particularly in the health and education sectors. With regard to privatization, they reiterated that States had a responsibility to ensure that adequate legislative and regulatory frameworks and monitoring capacities were in place to ensure that human rights standards were respected by privatized service providers. Lastly, the guidelines emphasized the need for transparent, accountable and participatory governance. An efficient public sector should provide public services that were programmed and budgeted using a rights-based approach.

58. He hoped that discussions on the draft guidelines would continue, regardless of the future of his mandate, since protection gaps in the context of economic management clearly remained, particularly in developing countries, which continued to be influenced by the financial components of international aid.

59. **Mr. Mosoti** (Kenya), welcoming the draft guidelines, asked whether any initiatives had been envisaged to bridge the gap between lip service and real action. The international community had been saying for some time that it wanted to alleviate the hardships of fragile economies, but no real action had been taken. He nevertheless emphasized the positive aspects of economic reform, which his own Government had implemented. In promoting economic reform and modernization, the cultural rights of the population must also be respected.

60. **Ms. González** (Cuba) welcomed the comprehensive focus of the draft guidelines and asked when they would be made available to the Committee. The increased support received by the Human Rights Council resolution pertaining to the independent expert's area of expertise was a reflection of the excellent work that he had done.

61. **Ms. Sutikno** (Indonesia) noted that countries experiencing economic difficulties often found that they did not have sufficient leverage to present their own perspective in economic reform policies. Regrettably, their development partners often took the view that economic difficulties implied that those countries had failed in their development policies and their partners then imposed their own prescriptions in providing financial assistance. Although such action might be justified by numerical indicators, that did not alter the fact that countries themselves had the most first-hand experience and the best understanding of the complexity of their own situation. Economic difficulties should not create mistrust, but should lead to a mutually respectful discussion and partnership.

62. Her delegation was pleased to note that the draft guidelines had been very cautious about making straightforward policy recommendations and had instead sought to identify the key policy issues that had to be considered when analysing the human rights impact of reform measures. Since the success of economic reform often relied on the availability of an enabling international environment, she asked to what extent the draft guidelines had identified the role that development partners and international financial institutions could play in the construction of a development-oriented enabling international environment.

63. **Mr. Mudho** (Independent expert on the effects of economic reform policies and foreign debt on the full

enjoyment of all human rights) said that the draft guidelines stressed the importance of setting benchmarks within a country-specific context precisely in order to promote the idea that economic reform measures should be sensitive to the cultural rights of populations. The guidance on thematic areas was purely generic and its scope should be developed further. Additional elements such as the points raised by the representative of Kenya could be taken into account at a later stage. Responding to the representative of Cuba, he said that, to the best of his knowledge, the draft guidelines had already been issued. He expected that copies would be circulated in the Committee shortly.

64. Responding to the representative of Indonesia, he agreed that the guidelines should be country-specific. Indeed, they acknowledged that it was impossible to find a single formula to fit every situation. He intended to discuss the approach taken by international development partners with respect to developing economies when he met with representatives of the World Bank and IMF in November 2007. At the same time, the international community must recognize the efforts that had been made to link debt relief and poverty reduction and he recalled that the international financial institutions had played an active role in the expert consultations held in July 2007. In conclusion, he looked forward to a more detailed discussion of his work in the Human Rights Council in December 2007 and would welcome further comments from delegations in the meantime.

The meeting rose at 1 p.m.

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A/C.3/62/SR.25

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Summary record of the 25th meeting
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Chairman: Mr. Wolfe .... (Jamaica)

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The meeting was called to order at 3 p.m.

Agenda item 106: Crime prevention and criminal justice (*continued*) (A/C.3/62/L.12)

Draft resolution A/C.3/62/L.12. Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

1. **Mr. Maestripieri** (Italy), introducing draft resolution A/C.3/62/L.12 on the activities carried out mainly by the United Nations Office on Drugs and Crime (UNODC), said that although the Commission on Crime Prevention and Criminal Justice was the main body in that field, the Third Committee should seize the opportunity to guide the work of UNODC since it was vital to the international community. He suggested that the Third Committee should consider the current draft resolution biennially instead of annually, in order to optimize the results achieved. He said that Belarus, Bosnia and Herzegovina, Bulgaria, Colombia, Croatia, Cuba, Ecuador, El Salvador, Ghana, Guatemala, Hungary, Indonesia, Japan, Jordan, Mexico, Panama, Serbia, Sierra Leone, Slovakia, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Republic of Tanzania had joined the sponsors of the draft resolution.

2. **Ms. Sharma** (Secretary of the Committee) said that the following countries had joined the sponsors of the draft resolution: Albania, Austria, Azerbaijan, Cape Verde, Chile, Cyprus, the Czech Republic, Estonia, Germany, Honduras, Ireland, Jamaica, Luxembourg, Moldova, Montenegro, the Netherlands, Poland, Romania, San Marino, Spain and the United Kingdom of Great Britain and Northern Ireland.

Agenda item 62: Social development (*continued*)

(c) **Follow-up to the International Year of Older Persons: Second World Assembly on Ageing** (*continued*) (A/C.3/62/L.9)

Draft resolution A/C.3/62/L.9: Follow-up to the Second World Assembly on Ageing

3. **The Chairman** said that draft resolution A/C.3/62/L.9 contained no programme budget implications.

4. **Ms. Sharma** (Secretary of the Committee) said that Belarus, the Russian Federation and Uzbekistan had joined the sponsors of the draft resolution.

5. **Ms. Nawaz** (Pakistan) said that, after consultations with the Group of 77 and China, it had been agreed that the following revisions should be made to the draft resolution: paragraph 10 should read "... to provide care and protection to persons as they age and to evaluate improvements in the health status of older persons, including on a gender-specific basis, and to reduce disability and mortality". The beginning of paragraph 12 should read "*Recommends* to the Commission for Social Development to include in deliberations of its forty-sixth session in 2008 the outcomes of the first cycle of the review ...". She noted that Andorra, Iceland, Kazakhstan, Montenegro, Norway, Portugal and the Republic of Korea had joined the sponsors of the draft resolution.

6. **Ms. Sharma** (Secretary of the Committee) said that the following countries had joined the sponsors of the draft resolution: Albania, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Mexico, Moldova, Monaco, the Netherlands, New Zealand, Poland, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland.

7. *Draft resolution A/C.3/62/L.9, as orally revised, was adopted.*

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36, 369 and 464)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254-5, 265, 280, 286-9, 293, 298, 304, 317; A/C.3/62/3)

(c) **Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/62/213, 223, 263-4, 275, 313, 318, 354 and 498)

8. **Ms. Jilani** (Special Representative of the Secretary-General on the situation of human rights

defenders), introducing her report (A/62/225), said that the report focused on the right to protest in the context of freedom of assembly, as a manifestation of the fundamental freedoms of expression, assembly and movement. Respect for the right to peaceful protest was essential not only for promoting the defence of human rights, but also for the cause of democracy and pluralism. Nevertheless, the exercise of that right was too often limited and suppressed. In that regard, she drew attention to the situation in Myanmar, a patent illustration of the denial of the freedom to protest, and expressed her concern about the situation of human rights defenders in that country. She noted that States had an obligation to create the appropriate conditions for the expression of opinions, and therefore the exercise of the right to protest. She cited examples from her report which illustrated situations that had raised concern during the period under consideration and which had prompted her to send communications to the States concerned.

9. **Ms. Lopes** (Portugal), speaking on behalf of the European Union, expressed the European Union's support for the Special Representative. It was of utmost importance that human rights defenders should be able to work freely, and the mandate of the Special Representative contributed to the achievement of that objective. The decision to focus the report on the right to protest in the context of the freedom of assembly was particularly pertinent since the freedoms of expression and opinion, association and peaceful assembly continued to be regularly violated. She would welcome information from the Special Representative concerning several questions. She asked how the regional mechanisms such as the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights and the Council of Europe had responded to the Special Representative's work and recommendations; whether any States had refused to receive the Special Representative; what country visits the Special Representative planned to make in the months ahead, and in which countries the human rights situation had worsened in 2007. She would also like to know what the Third Committee could do to help improve the situation in those countries, and to help protect people who had been threatened for cooperating with the Special Representative. She also wished to know whether persons demonstrating in favour of protection of the environment should be regarded as human rights defenders.

10. **Ms. González** (Cuba) asked, with regard to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, whether the Special Representative had considered studying the duty of protesters, either groups or individuals, to conduct their protests within legal frameworks. She also wondered whether the Special Representative intended to address the effects that the adoption and implementation of counter-terrorism laws had had on the work of human rights activists, in particular the measures that had been taken against anti-globalization protesters who worked for world peace.

11. **Mr. Heines** (Norway) commended the Special Representative on the manner in which she was discharging her mandate. With regard to the anti-globalization movement, the Special Representative referred in her report to situations in which marginal and violent elements at peaceful demonstrations had caught the attention of the media. As a result, the "human rights" dimension of the protests was often relegated to second place. He enquired what States could do in order to avoid that type of situation, taking into account the duty not to interfere and the positive obligation of States to protect those who exercised their right to protest.

12. **Ms. Sutikno** (Indonesia) thanked the Special Representative, who had visited Indonesia in 2007, and said her country looked forward to the report on the visit which the Special Representative would be submitting to the Human Rights Council at its 2008 session. With regard to the issue brought to the Committee's attention by the Special Representative, she said that the right to freedom of peaceful assembly was guaranteed by the Indonesian Constitution and that, in practice and in daily life, meetings and protests in exercise of the freedoms of opinion and assembly were characteristic of Indonesia's new democratic society. Referring to the right to protest, she asked how, in the opinion of the Special Representative, legislation introduced in order to guarantee the peaceful exercise of the right to protest could counteract the negative effects of laws that were frequently accused of restricting that right.

13. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that his delegation had serious misgivings and questions regarding both the Special Representative's report, and the nature and priority of her mandate. He

asked how the many United Nations Member States facing serious problems, such as poverty, unemployment or contagious diseases could conceive of the right to protest and the right to strike as priority issues, pointing out that the report did not seem to refer to the international legal basis for the right to protest or to balanced safeguards that could protect the stability and security of Member States from out-of-control demonstrations or strikes. Even the European system for the protection of human rights provided for such safeguards, including peaceful nature, legality, proportionality and good administration, in its guidelines on the drafting of legislation on freedom of peaceful assembly. He asked whether, given the magnitude and overlapping nature of the questions raised in her reports, the Special Representative would not agree that she was overstepping her mandate and that the Human Rights Council should take an immediate decision to streamline that mandate and replace it with a high-priority issue.

14. **Mr. Nagan** (Netherlands) said that his delegation fully endorsed the statement made by the representative of Portugal on behalf of the European Union and, like other delegations, wished to thank the Special Representative for the manner in which she was discharging her mandate, which provided considerable support to those who often risked their own lives to defend civil and political liberties. Noting that, in her report, the Special Representative gave an overview of the work done by the international and regional monitoring mechanisms to protect the right of human rights defenders to protest, he would be grateful if she would share her views on the way in which the international community could help human rights defenders to make full use of those mechanisms. In the report, the Special Representative referred to various categories of human rights defenders, and he welcomed the attention she had devoted to those who acted to protect the rights of lesbian, gay, bisexual and transgender individuals, who, as well as facing threats from certain Governments, were also the victims of social discrimination. He asked what the international community could do to assist those defenders with their legitimate mission.

15. **Mr. Llanos** (Chile) thanked the Special Representative on the situation of human rights defenders for her report and oral introduction. In chapter III, section H, of the report, entitled "Protests linked to land rights and environmental claims", a paragraph about Chile contained serious inaccuracies, which he wished to clarify. The paragraph stated that the son of a leader of a Mapuche community had been charged under anti-terrorism legislation, which was incorrect, since the person in question had been charged under various articles of the Penal Code. As a State based on the rule of law, Chile could not accept violence as a means of ensuring that a citizen's demands were heard, whether or not that citizen was a member of an indigenous community. Chile had implemented a number of institutional mechanisms to respond to the demands of all segments of the population, and a special body had been established to protect the rights of indigenous peoples. In Chile, no indigenous person had been arrested or convicted for having asserted his or her land rights.

16. **Ms. Blitt** (Canada) said that Canada was seriously concerned about the harassment of human rights defenders in Zimbabwe, particularly women who took part in peaceful protests, described in the Special Representative's report, the quality of which was commendable. Noting that the Special Rapporteur of the African Commission on Human Rights Defenders in Africa was also following that issue, she enquired whether the Special Representative had other opportunities to collaborate with regional mechanisms in order to better protect women defenders of civil and political liberties. With regard to the Special Representative's concern that restrictions on the right to protest in connection with elections could challenge the integrity of the latter, which constituted a central foundation of democracy, she said that defenders of political liberties who called for free and fair elections or denounced irregular electoral practices were often arrested or arbitrarily detained. In that connection, she enquired whether it would be possible for other special procedures to help the Special Representative to protect defenders in such situations.

17. **Ms. Oinonen** (Finland) thanked the Special Representative for her outstanding work. In the report, the Special Representative highlighted the additional risks often faced by women human rights defenders when participating in collective public action and noted that those risks were linked to the traditional role of women in some societies, she said that Finland had carefully studied the recommendations set out in the report, particularly those to the effect that instances of gender-based violence against women defenders occurring during demonstrations should be investigated

and prosecuted as a matter of priority and that law enforcement officials should receive training on protection measures to be taken with regard to children taking part in demonstrations with their mothers. She would be grateful to hear any recommendations the Special Representative might have on specific measures to strengthen protection for women human rights defenders taking part in collective public action. In addition, Finland attached importance to the recommendation relating to the use and adaptation to national and regional contexts of the Guidelines on Freedom of Assembly drafted by the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, and would like to know more about the way in which the Special Representative thought that those Guidelines could be used to promote and protect the rights of women who defended human rights.

18. **Mr. Rees** (United States of America) thanked the Special Representative for her report and said that his delegation strongly supported the recommendation that States should be more tolerant of criticism, view human rights defenders as a resource and take advantage of their knowledge. Human rights defenders and NGOs raised awareness of freedoms, condemned abuses, called for change and compelled Governments to be answerable for their actions. The United States was a strong supporter of human rights defenders and, in 2006, had established a fund in order to provide rapid financial, medial or legal support to activists who were being repressed by their Governments. The report stressed the need for States to adhere more strictly to the Declaration on Human Rights Defenders; in that connection, he enquired whether the Special Representative could suggest any ways to disseminate the Declaration more effectively in order to increase its impact. He thanked the Special Representative for having drawn attention to the terrible situation of human rights defenders in Burma.

19. **Ms. Viotti** (Brazil) thanked the Special Representative for her introduction and for her ongoing efforts in discharging her mandate. The recommendations made by the Special Representative following her visit to Brazil in December 2005 had helped Brazil to assess its own situation, and most of the recommendations had been implemented by means of Government action plans.

20. **Mr. Myint** (Myanmar) said that his delegation had already described the background to the events in Myanmar, namely a complex political transition. While those had been tragic events of international concern, all references to the situation should now cease.

21. **Mr. Zheglov** (Russian Federation) said that a study of the issue of the right to protest in the context of freedom of assembly did not fall under the Special Representative's mandate and that in her report, the term "defender" was arbitrarily defined, with no account taken of cultural criteria. In addition, peaceful protests were sometimes motivated by factors that went beyond the defence of human rights and were capable of undermining State structures. If human rights defenders had special status, then his delegation wished to know what punishment should be imposed on them in the event of their acting excessively. In his view, the Special Representative had exceeded her mandate and her report and recommendations were questionable.

22. **Ms. Jilani** (Special Representative of the Secretary-General on the situation of human rights defenders) said that her report dealt with the right to peaceful protest, which was a part of the right to freedom of peaceful assembly. Her mandate stemmed from the Declaration on Human Rights Defenders and was rooted in actions to protect freedom of assembly. With regard to her interaction with regional bodies, since taking over the mandate, she had been instrumental in strengthening cooperation between those bodies and the United Nations system, in particular in establishing, within the African Commission on Human Rights, a special rapporteur on human rights defenders and, within the Inter-American Commission on Human Rights, a special human rights defenders unit. Such cooperation had involved sharing experiences and informing each other of the best ways to address problems, taking account of country needs and realities on the ground. Responding to the question posed by Cuba, she recalled that, pursuant to article 18 of the Declaration on Human Rights Defenders, everyone had duties towards and within the community. However, they must respect the law and democratic process. In many regions, it was the denial of economic and social rights that prompted human rights defenders to act, provoking a response by the State that undermined the civil and political rights of the individual. The exercise of the right to peaceful protest should not undermine State security; legitimate means existed to enable public institutions to maintain State security when faced with unacceptable methods

of protest. Law enforcement agents must learn to distinguish between peaceful protests and attacks on law and order and to take proper account of the needs of women and children who participated in peaceful protests or were bystanders. She hoped that the peaceful protest guidelines would be widely disseminated and adopted by a growing number of countries. Freedom of assembly, freedom of movement and freedom of information should be strengthened in national legislation, and any restrictions must be reasonable. It was her view that she had never exceeded her mandate.

22. **Mr. Despouy** (Special Rapporteur on the independence of judges and lawyers) said that the increasing number of interventions in 2006 showed how difficult it was for members of the judiciary to act in full independence and safety. Unfortunately, they were not adequately protected by Governments and were exposed to harassment, intimidation, vilification and threats which could lead to forced disappearance, assassination or extrajudicial executions. He condemned the delays in the administration of justice and the corruption that sometimes impeded the workings of the judicial system. In many cases, judicial reform had only further paralysed the judiciary. There had been many complaints of indefinite detention without charge or trial, the trial of civilians by military courts and the trial of members of the armed forces by those same courts for serious violations of human rights, as well as the establishment of special courts and the enactment of anti-terrorism legislation or legislation relating to national security and the right to asylum which limited recourse to the justice system and granted excessive powers to the executive.

23. An expert seminar would shortly be held to examine the issue of human rights during states of emergency and make recommendations in that regard. It was a matter of concern that in many countries, the most vulnerable members of society continued not to have access to justice. He also deplored the lack of resources that impeded the workings of the judiciary, the fact that courts were located in large cities rather than rural areas, the lack of access to judicial information, the prohibitive cost of court cases and the quasi-total paralysis of the judiciary in times of conflict.

24. The Special Rapporteur drew attention to the lack of cooperation between the Government of the Sudan and the International Criminal Court and the lack of a relationship agreement between the Court and the African Union, a circumstance which hampered investigations and put at risk the appearance of suspects before the Court. He urged the Government of Uganda and the Lord's Resistance Army to reach an agreement that precluded any type of amnesty for war crimes, crimes against humanity, genocide or grave violations of human rights, thereby striking a balance between the need to see justice done and the need to achieve lasting peace in the region. It was regrettable that despite his insistent appeals, the last survivor of the six people implicated in the attack against the United Nations office in Baghdad had been executed, which he considered to be a denial of the right to truth of the victims' families. He drew attention to the unanimous adoption of the Internal Rules of the courts of Cambodia and the arrests of two high-ranking Khmer Rouge leaders, and said that the national and international judges were determined to complete the trials in a timely manner, in accordance with the principles of equity, impartiality and transparency. He drew attention to the alarming state of the judicial system in the Democratic Republic of the Congo, in particular the inadequate number of judicial personnel and courts, their inadequate remuneration, the interference by the executive authorities and the army, the difficulty in gaining access to justice and the lack of enforcement of court decisions. He would be visiting the Russian Federation and Guatemala as well as Fiji, where the Chief Justice had been removed in the wake of a coup d'état.

25. **Ms. Lopes** (Portugal), speaking on behalf of the European Union, asked how the international community and United Nations human rights mechanisms might contribute to efforts to combat the corruption that plagued the judiciary in certain countries and requested information on the expert seminar on human rights in the context of states of emergency. She wondered whether the Special Rapporteur believed that it would be possible to maintain the planned timetable of work.

26. **Mr. Ochoa** (Mexico) asked what recommendations the Special Rapporteur planned to make to the United Nations system and international community to promote access to justice.

27. **Mr. González** (Costa Rica) asked the Special Rapporteur to comment on the link between development and access to justice, and detail measures to be taken to promote access to justice.

28. **Mr. Ahmed** (Sudan) noted that the Sudan had not ratified the Rome Statute that had established the International Criminal Court. The Court was thus not competent to examine matters concerning the Sudan, which possessed its own independent judicial system. Three domestic tribunals had been established in the three states of Darfur and were now functioning. The Special Rapporteur should not engage in any sparring match, but should keep within his mandate.

29. **Mr. Zheglov** (Russian Federation) said that his country stood ready to welcome the Special Rapporteur and facilitate his visit and his meetings in the Russian Federation in every possible way.

30. **Mr. Poli** (Brazil) said that the Government of Brazil had taken account of the recommendations of the Special Rapporteur in its reform of the judicial system.

31. **Mr. Argüello** (Argentina) said that Argentina was in the process of reforming its military justice system to bring it in line with international law and planned to abolish the death penalty still applicable in its Military Justice Code. He asked whether the Special Rapporteur would be attending the seminar on respect for human rights during states of emergency and what impact the seminar might have on the development of international humanitarian law.

32. **Mr. Llanos** (Chile) said that his country would be participating actively in the seminar announced by the Special Rapporteur and asked what proposals the Special Rapporteur would be making in order to facilitate access to justice.

33. **Mr. Navoti** (Fiji) thanked the Special Rapporteur. The reference to his country in the report reflected the international community's genuine concern with his country's justice system. His Government would follow up the Special Rapporteur's request for an invitation.

34. **Ms. Pi** (Uruguay) thanked the Special Rapporteur for his report and his participation in the seminar on the right to truth that had been held in her country. She welcomed the fact that another seminar would be held on human rights protection during states of emergency. She asked the Special Rapporteur what impact the declaration to be adopted by the seminar was expected to have on the work of the Human Rights Council.

35. **Ms. Abdelhak** (Algeria), commended the work of the Special Rapporteur and asked what results he expected from the seminar and what general conclusions he drew from the individual cases mentioned in his report.

36. **Ms. Norin** (United States of America) thanked the Special Rapporteur and asked whether there had been any developments with regard to his request for an invitation to visit Iran.

37. **Ms. Lebedinsky** (Switzerland) commended the Special Rapporteur on his report and expressed the hope that the Special Rapporteur's report would address the issue of transitional justice, which was an issue of great concern to his country.

38. **Ms. Sutikno** (Indonesia) welcomed the work of the Special Rapporteur and highlighted the importance of the independence of the judiciary to her country, which had recently established a judicial oversight commission whose tasks included monitoring such independence. She supported the recommendation that the United Nations and other relevant international agencies should provide assistance to countries, on request, to bring their judicial apparatus into line with international standards.

39. **Ms. Borjas Chávez** (El Salvador) thanked the Special Rapporteur. Emphasizing the importance of the issue, she said that her country was working to strengthen the independence of judges, particularly through constitutional reforms. She asked what challenges were faced by developing countries with regard to training, particularly in the area of ethics.

40. **Mr. Abubaker** (Libyan Arab Jamahiriya), having commended the Chairman, asked the Special Rapporteur which criteria determined fairness and transparency in a given judicial system and when the Committee would hear reports that were free of selectivity and politicization.

41. **Mr. Despouy** (Special Rapporteur on the independence of judges and lawyers) thanked the representatives for their comments and questions. With regard to the seminar on human rights protection during states of emergency, he noted the interest expressed by several Latin American countries, which was understandable given the serious human rights violations that had occurred in those countries in the 1970s. However, at the present time, human rights were severely curtailed in the name of national security, even in countries that had traditionally protected them. The aim of the seminar should

therefore be a universal declaration that guaranteed that, even during a state of emergency, the authorities in all countries respected international standards. In addition, he hoped that the Human Rights Council would appoint a Special Rapporteur to ensure the implementation of that declaration. In reply to the representative of the European Union, he emphasized the need to follow closely the situation in Cambodia, where international cooperation in the promotion of justice had led to progress in establishing extraordinary chambers in that country. Even more should be done to provide marginalized populations, especially in rural areas, with access to justice. In reply to the representative of Costa Rica, he said that development programmes had a significant role to play in that area, by strengthening institutions and increasing citizens' autonomy. In reply to the representative of the Sudan, he noted that the Security Council had brought the case of Darfur to the International Criminal Court in accordance with article 13, paragraph (b), of the Rome Statute. The Pre-Trial Division of the Court had confirmed the charges against Mr. Ahmad Harun and Mr. Ali Kushayb. He took due note of the explanations given by the Sudan about the administration of justice in that country.

42. He reiterated his appreciation to the Russian Federation for its invitation and said he looked forward to visiting that country in May 2008. He also welcomed the fact that Brazil had followed his recommendations and made constitutional and institutional changes to improve the administration of justice. He commended the reform of the Code of Military Justice under way in Argentina and noted that the death penalty could be applied only if all guarantees of due process were respected and that he was in favour of a universal moratorium. In reply to the representative of Algeria, he pointed out that his statements referred both to specific cases and to structural problems, and that they concerned all countries. In closing, he thanked Member States for their cooperation and said that justice would continue to progress through the efforts of countries that were committed to protecting human rights.

43. **Ms. Ertürk** (Special Rapporteur on violence against women, its causes and consequences), introducing her report, said that the report examined how cultural specificity was used to justify violence against women. She stressed the need to combat such violence in a comprehensive manner by addressing the true political and economic causes of violations of women's rights. In 2006 she had visited Turkey, Sweden and the Netherlands. In Turkey, she had found that oppression by family members and the wider society drove many women to suicide. She thanked the Turkish Government for making available follow-up information to her mission, welcomed the Government's intention to combat honour crimes and violence against women and encouraged it to intensify its efforts. In the Netherlands, she had observed that inequalities persisted in the labour market, with women of foreign background being doubly disadvantaged by discrimination linked to a cultural perspective. In Sweden, she had noted that women remained underrepresented in senior management positions in some sectors, the extent of family violence was disturbing and there were gaps in the implementation of the penal framework for the protection of women.

44. In 2007, she had visited Algeria, Ghana and the Democratic Republic of the Congo. In Algeria, she had noted progress in legislation and in the educational system but there remained gaps in the labour market and the newly formed Family Code did not resolve issues of discrimination within the family. Violence against women in the private sphere remained pervasive, but policy measures had been taken to address harassment and sexual abuse in public institutions. Women still suffered from the legacy of the "Black Decade". In Ghana, violence against women was all too prevalent, although certain practices that had been criminalized were on the decrease. The main victims were girls, women accused of witchcraft and widows. It was difficult to ensure that traditional authorities were fully engaged in enforcing laws adopted by the Government in accordance with Ghana's international commitments. In the Democratic Republic of the Congo, armed groups continued to commit extreme violence against women with virtual impunity. Survivors were stigmatized and did not receive the compensation to which they were entitled. Given the nature of the conflict in the country, the international community, in cooperation with the Congolese authorities, had a responsibility to protect women, especially in South Kivu. Several regional consultations had enabled her better to understand local specificities, as well as to support national and regional civil society initiatives. She called on donors to support those initiatives. She welcomed the invitations extended by the Governments of Saudi Arabia and Tajikistan to visit those countries in 2008. She had also

made requests to visit Kyrgyzstan, Turkmenistan and Uzbekistan.

45. Her next report would focus on indicators of violence against women, as reliable statistics would enable States better to target their actions. Violence against women had become a major agenda item within the work of the United Nations and its entities, but cooperation was needed among relevant actors, especially the Commission on the Status of Women and mandated experts. The move to Geneva of the Committee on the Elimination of Discrimination against Women would imply both advantages and disadvantages, but she trusted that the General Assembly would provide guidance to address the latter.

46. **Mr. Aksen** (Turkey) commended the work of the Special Rapporteur and stressed that his Government was determined to combat violence against women, as shown by the institutional and legislative measures recently taken, especially with regard to honour crimes. He asked the Special Rapporteur what measures she recommended with a view to raising public awareness of the problem.

47. **Ms. Lopes** (Portugal), speaking on behalf of the European Union, thanked the Special Rapporteur and expressed appreciation for the Special Rapporteur's visit to two member States of the European Union in 2006. She cited the measures taken by several States more effectively to combat domestic violence and requested the Special Rapporteur to share with Member States good practices drawn from her experience. She asked what measures the Democratic Republic of the Congo and the international community could take to eliminate grave acts of violence committed against women in that country, and what the international community could do to ensure that cultural specificities were not used to justify violence against women.

48. **Ms. Blitt** (Canada) thanked the Special Rapporteur and said that she awaited with interest the report on indicators of violence against women. She wondered whether common indicators would be useful, considering the major differences between some countries and whether, in addition to the acts of violence themselves, other factors would be considered in measuring such violence. Finally, she asked how other United Nations bodies could contribute to the Special Rapporteur's work.

49. **Mr. Ochoa** (Mexico) commended the Special Rapporteur; he asked what obstacles had been encountered in the preparation of the report on indicators and whether the Special Rapporteur had found common indicators that could be applied to all countries. He also asked her views on the term "femicide" ("*femicidio*") recently adopted by ECLAC.

50. **Mr. Akindele** (Nigeria) said that, as knowledge conquered all (*scientia omnia vincit*), a large-scale educational effort could be expected gradually to eliminate the negative influence of cultural factors that explained why violence against women was still very prevalent in the world. He asked what measures should be taken in order for education to make a useful contribution to the elimination of such violence, especially in rural areas.

51. **Ms. Abdelhak** (Algeria) said she looked forward to the recommendations that would no doubt be contained in the report of the Special Rapporteur to the Human Rights Council after her visit to Algeria. As in all other countries, there was violence against women in Algeria, but the authorities were aware of it and spared no effort to eradicate it, with the cooperation of society as a whole. Rather than focus on individual cases, however, the report to the Human Rights Council should address general factors explaining such violence.

52. **Ms. Sutikno** (Indonesia) said that her country was party to the Convention on the Elimination of All Forms of Discrimination against Women and wished to reassure the Special Rapporteur that her conclusions would be carefully studied by the Indonesian Government. A bill had been brought before Parliament aimed at raising to 30 per cent the number of women elected to Parliament. She asked what proposals would be helpful in eliminating the problem of violence against women, which Indonesia also faced.

53. **Ms. Woldberg** (Netherlands) said that a major report on the emancipation of women in the Netherlands had recently been issued. The Netherlands would continue to support United Nations activities to eliminate violence against women.

54. **Ms. Ertürk** (Special Rapporteur on violence against women, its causes and consequences), responding to comments by delegations, noted that action to eliminate violence against women was widely accepted as part of a common agenda, and that she received expressions of support more often than disagreement. She had visited 14 countries with widely varying cultures, where gender inequality frequently

persisted, but had always encountered an eagerness to tackle those problems, with varying degrees of success. Domestic violence, usually against women, was found in all countries, whether rich or poor, and was attributed to a wide variety of factors, such as alcoholism or unemployment. However, its structural causes — essentially inequality in the exercise of power — must not be forgotten. Further work was therefore needed to change attitudes, in particular the way in which the concept of power was understood. Impunity was an invitation to continue behaviours like domestic violence, which might lead to the conclusion that punishment in one form or another would be the solution. The idea of punishment or penalty should be approached with care, however, as quite often battered women did not want their husbands to go to prison. More innovative methods, such as restraining orders, must therefore be found; more generally, ways must be found to support the family and pay the rent if the father was jailed. Those were difficult problems to which there was no perfect solution, and no model practices were known that could be disseminated. Bolder innovation was needed in that area. The problem of non-State actors was acute, because they were often the perpetrators of human rights violations reported; in such cases, the State must be held accountable for not exercising appropriate vigilance. For example, in the Democratic Republic of the Congo there were a multitude of actors from armed groups, which had nothing to do with the State, and which often committed violations, against women in particular. The problem should therefore be addressed by the international community, which should have ideas about ways to eliminate that type of violence.

55. Turning to indicators of domestic violence, she said that domestic violence was difficult to measure and even its definition was in dispute. It was not easy to find comparable indicators; major work was in progress on social indicators in general and on domestic violence in particular, which suggested that indicators that would easily allow comparisons between countries were rare indeed. Prevalence indicators were currently the most widely available, but they gave no indication of the seriousness of the violence; there was therefore no practical or easy solution to the problem of indicators. The concept of "femicide" would be addressed in the report to be submitted to the Human Rights Council. Death statistics were widely available and it should be possible to spot differences in mortality between men and women, but the way in which those statistics were kept varied from one country to another and were not always comparable.

56. On the issue of culture and education, she said that education was both a fundamental right and a citizenship right. It was quite discouraging that it did not seem possible to solve the problem of education, in particular the education of girls and women, because of a lack of resources. The issue of encouraging girls to continue their studies must also be addressed. She noted, however, that schooling was not always a guarantee of avoiding the problem of domestic violence: the educated classes were not exempt from it either. Many countries already had excellent laws, but they must be enforced, because what was ultimately needed was a change in mindset. A cultural negotiation must begin: the State must participate in a direct relationship with local communities in order to be able to question cultural norms that were sometimes in direct contradiction to women's exercise of their rights. But who spoke on behalf of the culture? Courage was required to eliminate negative cultural factors.

Statements in exercise of the right of reply

57. **The Chairman** said that several representatives had asked to speak in exercise of the right of reply in reference to the statement made on behalf of the European Union at the 22nd meeting.

58. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that his country was concerned that the European Union, while denouncing Iran, was closing its eyes to the situation of human rights in the territories of the European Union, which in some cases was pathetic: minorities were oppressed, asylum-seekers sent home; xenophobia was widespread, and people sometimes lived in ghetto-like conditions; there were secret detention centres and illegal transfers of detainees. He wondered, therefore, how the European Union could teach Iran a lesson. Neither the European Union or any other group of countries could claim a monopoly on the protection of human rights. Serious attention must be paid to such pretentions.

59. Many countries in the world (107 Member States by his count) retained the death penalty in their penal codes. Other countries could not arrogate the right to dispute the reasons put forward for imposing the death penalty for very serious crimes (terrorism, drug trafficking, sabotage). Iran saw the death penalty as a

very important means of deterrence, and the criticism of the European Union was therefore unjust: to fight terrorist groups, an adequate criminal arsenal was needed. Not infrequently, members of the European Union harboured terrorists in their territories and put other countries in danger. The Iranian Government had applied a zero-tolerance policy to drug traffickers, which called for appropriate punishment. Iran therefore categorically rejected the baseless allegations of the European Union. The Islamic Republic of Iran would not give in to pressure or expressions of disapproval from other countries. Relations among States should be based on mutual respect, and his country was ready for a constructive dialogue on human rights with all countries.

60. **Mr. Botora** (Ethiopia) said that at the 22nd meeting, the European Union had accused Ethiopia of gross violations of human rights, but had not mentioned the mass killings, mainly of Chinese nationals, committed in Ogaden by the Ogaden National Liberation Front with the undoubted support of agents from outside Ethiopia. The concern of the European Union was therefore groundless. The media, for its part, had added its own distortions. Ethiopia believed that it was for the United Nations to conduct its own evaluation of the situation. His country was prepared to cooperate with the United Nations and would not in any way prevent access by United Nations personnel to Ethiopian territory for an evaluation on the ground. The position taken by the European Union was therefore unhelpful. In addition, the facts were being reported in a distorted way. Nevertheless, his country continued to require humanitarian assistance to ensure greater respect for human rights.

61. **Ms. Halabi** (Syrian Arab Republic) said that she was surprised at the reaction of the European Union to her country's efforts to resolve the situation of refugees; the representative of the European Union had made some baseless accusations. Syria had always observed the greatest respect for human rights and had applied the means to protect human rights, in terms of its domestic law and economic, social and religious specificities. The commitments undertaken in the Universal Declaration of Human Rights were enshrined in its Constitution. However, dialogue on human rights should observe the principle of non-interference in the internal affairs of States.

62. **Mr. Jang** Il-Hun (Democratic People's Republic of Korea) said that, regrettably, the representative of Portugal, speaking on behalf of the European Union, had stated that his country was not open to dialogue on human rights, and that the European Union would therefore be submitting a draft resolution on the subject. Although he had little interest in what the European Union decided about submitting a draft resolution, he would like to clarify the facts: high-level political discussions on human rights in the Democratic People's Republic of Korea had indeed been taking place since 2001. A delegation from the European Union had come to his country and had visited prisons and met with prisoners and magistrates. It was the European Union which had unilaterally decided to break off the dialogue on human rights. The issue of human rights coincided with the consideration of nuclear questions. In fact, it was the European Union which had rejected and interrupted the dialogue, and the door was not closed to dialogue, although his country could no longer trust the European Union. There had been no change in his country's position on human rights. He regretted that the draft resolution was politically motivated.

The meeting rose at 6.15 p.m.